

PARL. PAPERS
FOR REFERENCE ONLY.



CONVENTION
BETWEEN
HER MAJESTY
AND THE
EMPEROR OF THE FRENCH,
FOR THE
ESTABLISHMENT
OF A
SYSTEM OF POST OFFICE MONEY ORDERS
BETWEEN
GREAT BRITAIN AND FRANCE.

Signed at Paris, April 30, 1870.

*Presented to both Houses of Parliament by Command of Her Majesty.
1870.*

LONDON:

PRINTED BY HARRISON AND SONS.

CONVENTION between Her Majesty and the Emperor of the French, for the Establishment of a System of Post Office Money Orders between Great Britain and France.

Signed at Paris, April 30, 1870.

[Ratifications exchanged at Paris, August 5, 1870.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, being desirous that sums of money may be transmitted from one country to the other by means of Postal Money Orders, have determined upon securing this result by a Convention, and have named as their Plenipotentiaries for this purpose, namely :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom, Member of Her Britannic Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French ;

And His Majesty the Emperor of the French, his Excellency M. Emile Ollivier, Deputy, Keeper of the Seals, Minister of Justice and Worship, charged *ad interim* with the Department of Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles :—

ARTICLE I.

The transmission of money may be effected through the Post Office, as well from the United Kingdom of Great Britain and Ireland to France and Algeria, as from France and Algeria to the United Kingdom of Great Britain and Ireland.

The transmission shall be effected by Money Orders drawn by Offices of the British Post Office on Offices of the French Post Office, and *vice versa*.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, désirant que des sommes d'argent puissent être adressées d'un Etat dans l'autre, au moyen de Mandats de Poste, ont résolu d'assurer ce résultat par une Convention, et ont nommé pour leurs Plénipotentiaires à cet effet, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très-Honorable Richard Bickerton Pemell, Lord Lyons, Pair du Royaume Uni, Membre du Très-Honorable Conseil de Sa Majesté Britannique, Chevalier Grand-Croix du Très-Honorable Ordre du Bain, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique près Sa Majesté l'Empereur des Français ;

Et Sa Majesté l'Empereur des Français, son Excellence M. Emile Ollivier, Député, Garde des Sceaux, Ministre de la Justice et des Cultes, chargé, par interim, du Département des Affaires Etrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Des envois de fonds pourront être faits par la voie de la Poste, tant du Royaume Uni de la Grande Bretagne et d'Irlande pour la France et l'Algérie, que de la France et de l'Algérie pour le Royaume Uni de la Grande Bretagne et d'Irlande.

Les envois s'effectueront au moyen de Mandats tirés par des Bureaux de l'Administration des Postes Britanniques sur des Bureaux de l'Administration des Postes de France, et *vice versa*.

The ownership of these Orders shall be transferable by indorsement.

No Order shall exceed the sum of ten pounds sterling, or two hundred and fifty-two francs.

ARTICLE II.

There shall be charged a commission of twenty centimes on each sum of ten francs, or fraction of ten francs, sent from France and Algeria to the United Kingdom of Great Britain and Ireland; and reciprocally there shall be charged on the transmission of money from the United Kingdom of Great Britain and Ireland to France and Algeria, as follows :—

1. For every sum not exceeding 2*l.* sterling, a commission of 9*d.*

2. For every sum above 2*l.* sterling, and not exceeding 5*l.* sterling, a commission of 1*s.* 6*d.*

3. For every sum above 5*l.* sterling, and not exceeding 7*l.* sterling, a commission of 2*s.* 3*d.*

4. For every sum above 7*l.* sterling, and not exceeding 10*l.* sterling, a commission of 3*s.*

The above-named rates shall be paid by the remitters, and the produce shall be divided equally between the British and French Post Offices: provided, however, the share of the Department which shall have paid the Money Orders shall never be less than one per cent. of the money it shall have advanced.

ARTICLE III.

It is formally agreed between the two Contracting Parties that the Money Orders issued by the British or French Post Offices, under the authority of the 1st Article of this Convention, and the receipts given upon such Money Orders, shall not, under any pretext or under any denomination whatever, be subject to any kind of duty or tax beyond the commissions fixed by virtue of Article II.

ARTICLE IV.

The British and French Post Offices shall each prepare, at such times as may be mutually agreed upon, accounts in which shall be recapitulated the sums paid by their respective Offices; and these accounts, after having been checked and passed, shall be paid by the Office which shall be recognized as indebted to the other, within such period as the two Offices may agree upon.

La propriété de ces Mandats sera transmissible par voie d'endossement.

Aucun Mandat ne pourra excéder la somme de deux cent cinquante-deux francs, ou de dix livres sterling.

ARTICLE II.

Il sera perçu une taxe de vingt centimes par chaque somme de dix francs, ou fraction de dix francs, expédiée de France et d'Algérie pour le Royaume Uni de la Grande Bretagne et d'Irlande; et réciproquement, il sera perçu sur les envois de fonds du Royaume Uni de la Grande Bretagne et d'Irlande pour la France et l'Algérie, savoir :—

1. Pour chaque somme n'excédant pas deux livres sterling, une taxe de neuf pence.

2. Pour chaque somme de plus de deux livres sterling, et n'excédant pas cinq livres sterling, une taxe de un shilling et six-pence.

3. Pour chaque somme de plus de cinq livres sterling, et n'excédant pas sept livres sterling, une taxe de deux shillings et trois pence.

4. Pour chaque somme de plus de sept livres sterling, et n'excédant pas dix livres sterling une taxe de trois shillings.

Les taxes fixées ci-dessus seront payées par les preneurs de Mandats, et le produit en sera partagé par moitié entre l'Administration des Postes Britanniques et l'Administration des Postes de France.

Toutefois, la part de celle des deux Administrations qui aura payé les Mandats ne pourra jamais être moindre de un pour cent des sommes dont elle aura fait l'avance.

ARTICLE III.

Il est formellement convenu entre les deux Parties Contractantes que les Mandats délivrés par les Bureaux de Poste Britanniques ou Français, en exécution de l'Article I de la présente Convention, et les acquits donnés sur ces mandats, ne pourront, sous aucun prétexte, et à quelque titre que ce soit, être soumis à un droit ou à une taxe quelconque en sus des taxes fixées en vertu de l'Article II.

ARTICLE IV.

L'Administration des Postes Britanniques et l'Administration des Postes de France dresseront, aux époques qui seront fixées par elles d'un commun accord, des comptes sur lesquels seront recapitulées les sommes payées par leurs Bureaux respectifs; et ces comptes, après avoir été débattus et arrêtés contradictoirement, seront soldés par l'Administration qui sera reconnue redevable envers l'autre, dans le délai dont les deux Administrations conviendront.

The balance of the above accounts shall be expressed in French money.

In case of the non-payment of the balance of an account within the time agreed upon, the amount of the balance shall be chargeable with interest from the day of the expiration of that period to the day on which the payment shall be made. This interest shall be at the rate of five per cent. per annum, and shall be placed to the debit of the Office in arrear in the account which shows the sum bearing interest.

ARTICLE V.

The sums received by each of the Offices for Money Orders, of which payment shall not have been claimed by those having a right to it within the time fixed by the laws and regulations of the issuing country, shall ultimately accrue to the Office which shall have issued these Money Orders.

ARTICLE VI.

The British and French Post Offices shall fix, by common agreement, the basis for converting British money into French and French money into British.

They shall name the Post Offices which shall issue and pay Money Orders; shall regulate the form of these Orders and that of the accounts; as well as every other matter of detail or regulation necessary for the execution of the present Convention.

It is understood that the arrangements made in virtue of this Article can be modified, by mutual agreement, by the two Offices whenever they may deem it necessary.

ARTICLE VII.

The present Convention shall come into operation from a day to be agreed upon by the two Parties after its promulgation, according to the respective laws of each of the two countries; and it shall remain in force from three months to three months, until one of the said parties shall have given to the other a notice of three months of its intention to terminate it.

During these last three months, the Convention shall continue to be executed fully and entirely, without prejudice to the settlement and payment of the accounts after the expiration of that time.

ARTICLE VIII.

This Convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

Le solde des comptes ci-dessus mentionnés sera établi en monnaie de France.

En cas du non-paiement du solde d'un compte dans le délai convenu, le montant de ce solde sera productif d'intérêts, à dater du jour de l'expiration du dit délai jusqu'au jour où le paiement aura lieu. Ces intérêts seront calculés à raison de 5 pour cent l'an, et devront être portés au débit de l'Administration retardataire sur le compte auquel se rapportera la somme productive d'intérêts.

ARTICLE V.

Les sommes encaissées par chacune des Administrations en échange de Mandats dont le montant n'aura pas été réclamé par les ayants-droit, dans les délais fixés par les lois et règlements du pays d'origine, seront définitivement acquises à l'Administration qui aura délivré ces Mandats.

ARTICLE VI.

L'Administration des Postes Britanniques et l'Administration des Postes de France fixeront, d'un commun accord, la base de conversion de la monnaie Britannique en monnaie Française, et de la monnaie Française en monnaie Britannique.

Elles désigneront les Bureaux qui émettront et paieront les Mandats; elles régleront la forme de ces Mandats et celle des comptes, ainsi que toute autre mesure de détail ou d'ordre nécessaire pour assurer l'exécution de la présente Convention.

Il est entendu que les dispositions prises en vertu du présent Article pourront être modifiées d'un commun accord, par les deux Administrations, toutes les fois qu'elles en reconnaîtront la nécessité.

ARTICLE VII.

La présente Convention sera mise à exécution à partir du jour dont les deux parties conviendront, dès que la promulgation en aura été faite d'après les lois particulières à chacun des deux Etats; et elle demeurera obligatoire, de trois mois en trois mois, jusqu'à ce que l'une des Parties Contractantes aît annoncé à l'autre, mais trois mois à l'avance, son intention d'en faire cesser les effets.

Pendant ces derniers trois mois, la Convention continuera d'avoir son exécution pleine et entière, sans préjudice de la liquidation et du solde des comptes après l'expiration du dit terme.

ARTICLE VIII.

La présente Convention sera ratifiée, et les ratifications en seront échangées aussitôt que faire se pourra.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Paris, in duplicate, the thirtieth day of April, one thousand eight hundred and seventy.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Paris, en double original, le trente Avril, mil huit cent soixante-dix.

(L.S.)
(L.S.)

LYONS.
EMILE OLLIVIER.

GREAT BRITAIN AND FRANCE.

CONVENTION between Her Majesty and the Emperor
of the French, for the Establishment of a System
of Post Office Money Orders between Great
Britain and France.

Signed at Paris, April 30, 1870.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1870.*

LONDON :

PRINTED BY HARRISON AND SONS

ADDITIONAL CONVENTION

TO THE

POSTAL CONVENTION

CONCLUDED ON SEPTEMBER 24, 1856,

BETWEEN

GREAT BRITAIN AND FRANCE.

Signed at Paris, September 21, 1869.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

ADDITIONAL CONVENTION to the Postal Convention concluded
on the 24th September, 1856, between Great Britain and
France.

Signed at Paris, September 21, 1869.

[*Ratifications exchanged at Paris, June 16, 1870.*]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, being desirous of improving the Postal Service between their respective dominions, have determined to secure this result by means of an Additional Convention to the Postal Convention of the 24th September, 1856, and have named as their Plenipotentiaries for this purpose, viz. :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell Lord Lyons, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French;

And His Majesty the Emperor of the French, his Excellency the Prince de la Tour d'Auvergne-Lauraguais, Grand Cross of the Imperial Order of the Legion of Honour, &c., &c., &c., His Minister and Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles :—

ARTICLE I.

The postage to be collected in France and Algeria upon paid letters addressed to the United Kingdom of Great Britain and Ireland, as well as upon unpaid letters originating in the United Kingdom of Great Britain and Ireland, shall be as follows, viz. :—

1. For every paid letter, 30 centimes per 10 grammes, or fraction of 10 grammes ;

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, désirant améliorer le Service des Correspondances entre leurs Etats respectifs, ont résolu d'y pourvoir au moyen d'une Convention Additionnelle à la Convention de Poste du 24 Septembre, 1856, et ont nommé pour leurs Plénipotentiaires à cet effet, savoir :—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très-Honorable Richard Bickerton Pemell Lord Lyons, Pair du Royaume Uni, Membre du Conseil Privé de Sa Majesté Britannique, Chevalier Grand-Croix du Très-Honorable Ordre du Bain, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique près Sa Majesté l'Empereur des Français ;

Et Sa Majesté l'Empereur des Français, son Excellence M. le Prince de la Tour d'Auvergne-Lauraguais, Grand-Croix de Son Ordre Impérial de la Légion d'Honneur, &c., &c., &c., Son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères :

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Le port à percevoir en France et en Algérie, tant sur les lettres affranchies à destination du Royaume Uni de la Grande Bretagne et d'Irlande, que sur les lettres non affranchies originaires du Royaume Uni de la Grande Bretagne et d'Irlande, est fixé, savoir :—

1. Pour chaque lettre affranchie, à 30 centimes par 10 grammes, ou fraction de 10 grammes ;

2. And for every unpaid letter, 60 centimes per 10 grammes, or fraction of 10 grammes.

Reciprocally, the postage to be collected in the United Kingdom of Great Britain and Ireland upon paid letters addressed to France and Algeria, as well as upon unpaid letters originating in France and Algeria, shall be as follows, viz. :—

1. For every paid letter, 3 pence per third of an ounce British, or fraction of a third of an ounce British ;

2. And for every unpaid letter, 6 pence per third of an ounce British, or fraction of a third of an ounce British.

ARTICLE II.

The French Post Office shall pay to the British Post Office, viz. :—

1. For paid letters sent from France or Algeria, addressed to the United Kingdom of Great Britain and Ireland, the sum of 45 centimes per 30 grammes, net weight ;

2. For unpaid letters, sent from the United Kingdom of Great Britain and Ireland addressed to France and Algeria, the sum of 90 centimes per 30 grammes, net weight.

On its side, the British Post Office shall pay to the French Post Office, viz. :—

1. For paid letters, sent from the United Kingdom of Great Britain and Ireland, addressed to France and Algeria, the sum of 75 centimes per ounce British, net weight ;

2. For unpaid letters, sent from France and Algeria, addressed to the United Kingdom of Great Britain and Ireland, the sum of 1 franc 50 centimes per ounce British, net weight.

ARTICLE III.

The postage to be collected in France and Algeria upon paid letters addressed to the Island of Malta, as well as upon unpaid letters originating in the Island of Malta, shall be as follows, viz. :—

1. For every paid letter, 40 centimes per 10 grammes, or fraction of 10 grammes ;

2. And for every unpaid letter, 80 centimes per 10 grammes, or fraction of 10 grammes.

Reciprocally, the postage to be collected in the Island of Malta upon paid letters addressed to France and Algeria, as well as upon unpaid letters originating in France and Algeria, shall be as follows, viz. :—

2. Pour chaque lettre non affranchie, à 60 centimes par 10 grammes, ou fraction de 10 grammes.

Réciproquement, le port à percevoir dans le Royaume Uni de la Grande Bretagne et d'Irlande, tant sur les lettres affranchies à destination de la France et de l'Algérie que sur les lettres non affranchies originaires de la France et de l'Algérie, est fixé, savoir :—

1. Pour chaque lettre affranchie, à 3 pence par tiers d'once Britannique, ou fraction de tiers d'once Britannique ;

2. Et pour chaque lettre non affranchie, à 6 pence par tiers d'once Britannique, ou fraction de tiers d'once Britannique.

ARTICLE II.

L'Administration des Postes de France paiera à l'Administration des Postes Britanniques, savoir :—

1. Pour les lettres affranchies expédiées de la France et de l'Algérie à destination du Royaume Uni de la Grande Bretagne et d'Irlande, la somme de 45 centimes par 30 grammes, poids net ;

2. Pour les lettres non affranchies expédiées du Royaume Uni de la Grande Bretagne et d'Irlande à destination de la France et de l'Algérie, la somme de 90 centimes par 30 grammes, poids net.

De son côté, l'Administration des Postes Britanniques paiera à l'Administration des Postes de France, savoir :—

1. Pour les lettres affranchies, expédiées du Royaume Uni de la Grande Bretagne et d'Irlande, à destination de la France et de l'Algérie, la somme de 75 centimes par once Britannique, poids net ;

2. Pour les lettres non affranchies expédiées de la France et de l'Algérie, à destination du Royaume Uni de la Grande Bretagne et d'Irlande, la somme de 1 franc 50 centimes par once Britannique, poids net.

ARTICLE III.

Le port à percevoir en France et en Algérie, tant sur les lettres affranchies à destination de l'île de Malte, que sur les lettres non affranchies originaires de l'île de Malte, est fixé, savoir :—

1. Pour chaque lettre affranchie, à 40 centimes par 10 grammes, ou fraction de 10 grammes ;

2. Pour chaque lettre non affranchie, à 80 centimes par 10 grammes, ou fraction de 10 grammes.

Réciproquement, le port à percevoir dans l'île de Malte, tant sur les lettres affranchies à destination de la France et de l'Algérie, que sur les lettres non affranchies originaires de la France et de l'Algérie, est fixé, savoir :—

1. For every paid letter, 4 pence per third of an ounce British, or fraction of a third of an ounce British ;

2. And for every unpaid letter, 8 pence per third of an ounce British, or fraction of a third of an ounce British.

ARTICLE IV.

The rate to be collected in the French post-offices established in Turkey, in Syria, in Egypt, and in Tunis and Tangier, as well upon prepaid letters addressed to the United Kingdom of Great Britain and Ireland, and the Island of Malta, as upon unpaid letters from the United Kingdom of Great Britain and Ireland, and from the Island of Malta, is fixed as follows, viz. :—

1. For every paid letter addressed to the United Kingdom of Great Britain and Ireland, the sum of 60 centimes per 10 grammes, or fraction of 10 grammes ;

2. For every paid letter addressed to the Island of Malta, the sum of 40 centimes per 10 grammes, or fraction of 10 grammes ;

3. For every unpaid letter originating in the United Kingdom of Great Britain and Ireland, the sum of 90 centimes per 10 grammes, or fraction of 10 grammes ;

4. And for every unpaid letter originating in the Island of Malta, the sum of 60 centimes per 10 grammes, or fraction of 10 grammes.

Reciprocally, the rate to be collected either in the United Kingdom of Great Britain and Ireland, or in the Island of Malta, upon paid letters addressed to the French post-offices established in Turkey, in Syria, in Egypt, and in Tunis and Tangier, as well as upon unpaid letters from the said offices, shall be as follows, viz. :—

1. For every paid letter originating in the United Kingdom of Great Britain and Ireland, the sum of 6 pence per third of an ounce British, or fraction of a third of an ounce British ;

2. For every paid letter originating in the Island of Malta, the sum of 4 pence per third of an ounce British, or fraction of a third of an ounce British ;

3. For every unpaid letter addressed to the United Kingdom of Great Britain and Ireland, the sum of 9 pence per third of an ounce British, or fraction of a third of an ounce British ;

4. And for every unpaid letter addressed to the Island of Malta, the sum of 6 pence per third of an ounce British, or fraction of a third of an ounce British.

1. Pour chaque lettre affranchie, à 4 pence par tiers d'once Britannique, ou fraction de tiers d'once Britannique ;

2. Pour chaque lettre non affranchie, à 8 pence par tiers d'once Britannique, ou fraction de tiers d'once Britannique.

ARTICLE IV.

Le port à percevoir dans les bureaux de poste Français établis en Turquie, en Syrie, en Egypte, à Tunis et à Tanger, tant sur les lettres affranchies à destination du Royaume Uni de la Grande Bretagne et d'Irlande, et de l'Île de Malte, que sur les lettres non affranchies, provenant du Royaume Uni de la Grande Bretagne et d'Irlande, et de l'Île de Malte, est fixé, savoir :—

1. Pour chaque lettre affranchie à destination du Royaume Uni de la Grande Bretagne et d'Irlande, à la somme de 60 centimes par 10 grammes, ou fraction de 10 grammes ;

2. Pour chaque lettre affranchie à destination de l'Île de Malte, à la somme de 40 centimes par 10 grammes, ou fraction de 10 grammes ;

3. Pour chaque lettre non affranchie, originaire du Royaume Uni de la Grande Bretagne et d'Irlande, à la somme de 90 centimes par 10 grammes, ou fraction de 10 grammes ;

4. Et pour chaque lettre non affranchie originaire de l'Île de Malte, à la somme de 60 centimes par 10 grammes, ou fraction de 10 grammes.

Réciproquement, le port à percevoir, soit dans le Royaume Uni de la Grande Bretagne et d'Irlande, soit dans l'Île de Malte, sur les lettres affranchies à destination des bureaux Français établis en Turquie, en Syrie, en Egypte, à Tunis et à Tanger, ainsi que sur les lettres non affranchies provenant des dits bureaux, est fixé, savoir :—

1. Pour chaque lettre affranchie, originaire du Royaume Uni de la Grande Bretagne et d'Irlande, à la somme de 6 pence par tiers d'once Britannique, ou fraction de tiers d'once Britannique ;

2. Pour chaque lettre affranchie, originaire de l'Île de Malte, à la somme de 4 pence par tiers d'once Britannique, ou fraction de tiers d'once Britannique ;

3. Pour chaque lettre non affranchie, à destination du Royaume Uni de la Grande Bretagne et d'Irlande, à la somme de 9 pence par tiers d'once Britannique, ou fraction de tiers d'once Britannique ;

4. Et pour chaque lettre non affranchie à destination de l'Île de Malte, à la somme de 6 pence par tiers d'once Britannique, ou fraction de tiers d'once Britannique.

ARTICLE V.

The conditions of the Postal Convention concluded on the 24th September, 1856, between Great Britain and France, so far as they are contrary to the preceding Articles, are repealed.

ARTICLE VI.

The present Convention, which shall be considered as Additional to the Convention of the 24th September, 1856, shall be ratified; the ratifications shall be exchanged as soon as may be; and it shall be put into execution on the day agreed upon by the two Parties, as soon as the notification thereof shall have been made, according to the laws in force in each of the two countries.

In witness whereof the respective Plenipotentiaries have signed the present Articles, and have affixed thereto the seal of their arms.

Done at Paris, the 21st of September, in the year of our Lord 1869.

(L.S.)

LYONS.

(L.S.)

PCE. DE LA TOUR D'AUVERGNE.

ARTICLE V.

Sont abrogées en ce qu'elles ont de contraire aux Articles précédents, les dispositions de la Convention de Poste conclue le 24 Septembre, 1856, entre la Grande Bretagne et la France.

ARTICLE VI.

La présente Convention, qui sera considérée comme Additionnelle à la Convention du 24 Septembre, 1856, sera ratifiée; les ratifications en seront échangées aussitôt que faire se pourra; et elle sera mise à exécution à partir du jour dont les deux Parties conviendront, dès que la promulgation en aura été faite d'après les lois particulières à chacun des deux Etats.

En foi de quoi, les Plénipotentiaires respectifs ont signé les présents Articles, et y ont apposé le sceau de leurs armes.

Fait à Paris, le 21 Septembre, de l'an de grâce 1869.

FRANCE.

ADDITIONAL CONVENTION to the Postal Convention concluded on the 24th September, 1856, between Great Britain and France, signed at Paris, September 21, 1869.

Signed at Paris, September 21, 1869.

Presented to both Houses of Parliament by Command of Her Majesty. 1870.

LONDON :

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

NEGOTIATIONS PRELIMINARY TO THE WAR

BETWEEN



FRANCE AND PRUSSIA:

1870.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—167.] *Price 11d.*

TABLE OF CONTENTS.

No.	Date.	SUBJECT.	Page
1. Mr. Layard ..	July 5, 1870	Prince Leopold of Hohenzollern-Sigmaringen proposed as a candidate for the Spanish Throne. Cortes to meet on 20th instant	1
2. Lord Lyons ..	5,	French Minister has declared that Prince of Hohenzollern will not be tolerated. Good offices of Her Majesty's Government invited to avert impending dangers ..	1
3. " " ..	6,	Declaration in Corps Législatif against Prince Leopold's candidature	2
4. To Lord Lyons ..	6,	Conversation with French Ambassador, who urges Her Majesty's Government to endeavour to stop Prince Leopold's installation. Good offices promised ..	2
5. To Lord A. Loftus ..	6,	To urge on Prussian Government danger and imprudence of Prince Leopold's candidature. Remarks on secrecy of the negotiations	3
6. Lord Lyons ..	6,	Text of Duc de Gramont's declaration in Corps Législatif against Prince Leopold's candidature	4
7. To Mr. Layard ..	7,	Receipt of telegram of July 5. To urge abandonment of the Hohenzollern project. Gravity of the question as shown by declaration in French Chamber	5
8. " " ..	7,	Interview with Spanish Minister. Her Majesty's Government urge that effect may not be given to Prince Leopold's candidature. Spanish Minister disclaims any hostile intentions towards France, and will report to his Government	5
9. Lord Lyons ..	7,	Proceedings in French Chamber on occasion of the declaration. M. Ollivier's assurance that France desires peace	6
10. " " ..	7,	Conversation with M. Emile Ollivier on the 5th instant. Comments on the declaration in the Chamber. ..	6
11. " " ..	7,	Duc de Gramont's explanations as to the declaration and the necessity of it to meet the feeling of the country. He invokes the good offices of Her Majesty's Government at Berlin and Madrid to preserve the peace of Europe. His views as to how this might best be effected. No answer received by France from Prussia, and an unsatisfactory one from Spain	7
12. " " ..	7,	Conversation with Prussian Chargé d'Affaires, who considers the declaration as too hastily made, and expresses belief that neither the King nor Count Bismarck were aware of the offer of the Crown to Prince Leopold. As to power of the King to prevent his acceptance. ..	8
13. To Lord Lyons ..	8,	Interview with Count Bernstorff. Prussia disclaims any knowledge of the negotiations, or any responsibility. The King, however, would not forbid the Prince to accept the Crown	9
14. To Mr. Layard ..	8,	Communicates Lord Lyons' despatches. To point out danger of the present crisis, and urge Spanish Government to avert it	9
15. Lord Lyons ..	8,	Conversation with Duc de Gramont. His acknowledgments for friendly assurances of Her Majesty's Government. No answer from Prussia. Military preparations to commence. The Duc declares the complicity of King of Prussia in Prince Leopold's nomination. Prince Leopold's own renunciation, however, would be a solution of the question. Her Majesty's Government urged to bring this about	10
16. To Lord Lyons ..	9,	Opinion of Her Majesty's Government respecting Hohenzollern candidature. To urge forbearance	11
17. " " ..	9,	Regret at strong language of French Government and press. Conversation with Italian Minister respecting efforts for maintenance of peace	12
18. To Lord Lyons (and Sir A. Paget)	9,	Conversation with French Ambassador	13
19. To Lord Lyons ..	10,	Policy of Her Majesty's Government communicated to Baron Brunnov	13
20. To Sir A. Buchanan ..	10,		

No.	Date.	SUBJECT.	Page
21. Lord A. Loftus ..	July 6, 1870	Language of M. de Thile as to Prince Leopold's candidature ..	13
22. " " ..	7,	Conversation with Baron Thile. News received from Madrid ..	14
23. Mr. Layard ..	7,	Communication to Spanish Government of Lord Granville's telegram, and language of the Regent ..	14
24. M. Sagasta to M. Rances ..	7,	Views of Spanish Government respecting Prince Leopold's election ..	15
25. Lord Lyons ..	10,	Communication of Lord Granville's despatches to Duc de Gramont ..	16
26. Mr. Lumley ..	11,	Contradiction of statement that Belgium favours Prince Leopold ..	17
27. Mr. Layard ..	10,	Representations addressed to Spanish Government ..	18
28. Lord Lyons ..	12,	Conversation with Duc de Gramont urging moderation. State of public feeling in France ..	18
29. " " ..	12,	Official report of Government statement in Corps Législatif ..	19
30. " " ..	12,	Conversation with Duc de Gramont respecting renunciation of Prince Leopold. Question not settled with regard to Prussia ..	20
31. To Lord Lyons ..	13,	Approve language reported in No. 28 ..	21
32. " " ..	13,	Approve language reported in No. 30 ..	21
33. " " ..	13,	Regret of Her Majesty's Government that renunciation is not accepted as settlement of the question ..	22
34. " " ..	13,	Observations upon Duc de Gramont's statement that Her Majesty's Government admitted demands of France to be legitimate ..	22
35. " " ..	13,	Conversation with French Ambassador urging acceptance of renunciation of Prince Leopold ..	23
36. " " ..	13,	Disappointment at Duc de Gramont's language ..	23
37. Vice-Admiral Harris ..	11,	Communication from Spanish Minister to Netherlands Government ..	24
38. Mr. Layard ..	11,	Efforts of Italian Government in favour of peace. Moderate tone at Madrid ..	24
39. Lord Lyons ..	13,	Has sent substance of Lord Granville's telegram of 13th to Duc de Gramont in the Council ..	25
40. " " ..	13,	Duc de Gramont's announcement in Corps Législatif ..	25
41. " " ..	13,	Conversation with Duc de Gramont as to terms on which French Government will consider question as finally settled ..	26
42. " " ..	13,	Conversation with Duc de Gramont. Language attributed to Lord Granville at Stuttgardt ..	27
43. To Lord Lyons ..	14,	Contradiction of language attributed to Lord Granville at Stuttgardt ..	27
44. " " ..	14,	Answer to No. 41. Her Majesty's Government have recommended King of Prussia to communicate to France his consent to Prince Leopold's renunciation ..	28
45. " " ..	14,	Approve note to Duc de Gramont (No. 39) ..	28
46. Mr. Bonar ..	9,	Conversation with President of the Swiss Confederation respecting state of affairs ..	29
47. Sir A. Paget ..	9,	Conversation with M. Visconti Venosta. Instructions sent to Italian Minister at Madrid ..	29
48. " " ..	12,	Statement made by M. Visconti Venosta in Italian Chamber ..	30
49. To Lord A. Loftus ..	15,	Conversation with Count Bernstorff. Prussian Government decline suggestion that King of Prussia should communicate to France his consent to Prince Leopold's renunciation ..	30
50. Lord A. Loftus ..	12,	Count Bismarck's movements. Attitude of South German States ..	31
51. " " ..	12,	Language of Baron Thile. Communication addressed to the South German Governments ..	31
52. " " ..	12,	Communication to Baron Thile of Lord Granville's despatch of 6th instant (No. 5) ..	32
53. " " ..	13,	Conversation with Count Bismarck as to state of affairs ..	32
54. Lord Lyons ..	15,	Statement of Duc de Gramont in the Senate ..	34
55. " " ..	15,	Statement of M. Ollivier in Corps Législatif ..	34
56. To Lord Lyons ..	15,	Conversation with M. de Lavalette as to demands of France on Prussia ..	34
57. To Lord Lyons (and Lord A. Loftus) ..	15,	Recommending mediation. Appeal to Protocol of Paris Congress ..	35
58. To Vice-Admiral Harris ..	15,	Conversation with Netherlands Minister as to neutrality of Holland ..	35
59. To Mr. Layard ..	16,	Approve steps reported in No. 27 ..	35
60. Lord Lyons ..	14,	Effect produced by article in "North German Gazette" announcing refusal of King of Prussia to receive M. Benedetti ..	35

TABLE OF CONTENTS.

No.	Date.	SUBJECT.	Page
61. Lord Lyons .	July 15, 1870	Communication to Duc de Gramont of telegrams and despatch from Lord Granville ..	36
62. " " ..	15,	Declarations made by Duc de Gramont and M. Ollivier in the Chambers ..	38
63. " " ..	15,	Conversation with Duc de Gramont as to communication from Her Majesty's Government ..	39
64. " " ..	15,	Assurances of Duc de Gramont as to neutrality of Belgium ..	40
65. To Lord A. Loftus ..	16,	To communicate to Count Bismarck French assurances as to neutrality of Belgium ..	41
66. To Lord Lyons ..	16,	Will time be allowed to neutral vessels to sail to and from belligerent ports? ..	41
67. To Lord Lyons (and Lord A. Loftus) ..	16,	Suggesting declaration of belligerents in sense of Paris Declaration of April 16, 1856 ..	41
68. To Lord Lyons ..	16,	Thanks to French Government for declaration respecting neutrality of Belgium ..	42
69. " " ..	16,	French subjects in North Germany to be under British protection ..	42
70. Mr. Layard ..	12,	Communication of Lord Granville's despatches to Spanish Government. Their assurances of desire to maintain peace ..	42
71. " " ..	14,	Withdrawal of Prince Leopold ..	43
72. " " ..	14,	Communications with Italian Minister at Madrid ..	44
73. Lord Lyons ..	16,	Communication to French Government of proposal of mediation ..	44
74. " " ..	16,	As to opportunities of seeing Duc de Gramont ..	45
75. " " ..	16,	Official report of Government declaration in Chambers of 15th instant ..	46
76. Sir A. Buchanan ..	9,	Movements of Prince Gortchakoff. Language of General Fleury ..	49
77. " " ..	11,	Advice given by Russia at Berlin ..	49
78. Lord Bloomfield ..	9,	Conversation with Count Beust respecting state of affairs ..	50
79. " " ..	11,	Unsatisfactory reports received by Count Beust ..	50
80. " " ..	13,	Advice given by Austria to France. Feeling in South Germany ..	50
81. Lord A. Loftus ..	16,	Efforts of Italian Government to maintain peace. Attitude of Prussian Government ..	51
82. " " ..	16,	Report of King of Prussia's Aide-de-camp of communications with M. Benedetti ..	51
83. " " ..	16,	Return of King of Prussia to Berlin. Public enthusiasm ..	51
84. Vice-Admiral Harris ..	17,	Assurances from French Minister as to neutrality of Luxemburg ..	52
85. Lord Lyons ..	17,	Note to Duc de Gramont as to time to be given to neutral vessels (No. 67) ..	52
86. " " ..	17,	Communication to French Government of Lord Granville's despatch as to maritime declaration ..	53
87. To Lord Lyons ..	18,	Approving above ..	54
88. " " ..	18,	Approving note respecting time to be allowed to neutral vessels (No. 66) ..	54
89. " " ..	18,	Approve language to French Government ..	54
90. " " ..	18,	Approve memoranda sent to Duc de Gramont (No. 61) ..	54
91. " " ..	18,	Approve steps respecting proposal of mediation (No. 74) ..	55
92. " " ..	18,	French Ambassador has communicated prohibition of strangers with French army ..	55
93. Señor Rances ..	16,	Renunciation of Prince Leopold ..	55
94. Lord A. Loftus ..	16,	Neutrality of Holland, Belgium, and Luxemburg will be respected by Prussian Government ..	56
95. To Mr. Layard ..	18,	Communication from Spanish Minister respecting candidature of Prince of Hohenzollern ..	56
96. To Señor Rances ..	19,	Acknowledging communication of renunciation of Prince of Hohenzollern (No. 94) ..	56
97. Lord A. Loftus ..	17,	Has urged North German Government to have recourse to the 23rd Protocol of Paris Congress, 1856 ..	57
98. Lord Lyons ..	18,	No stranger to follow French army ..	58
99. To Lord Lyons ..	19,	French Government cannot accept mediation. Conversation with French Ambassador ..	58
100. To Lord Bloomfield ..	19,	Endeavours of Austro-Hungarian Government at Berlin for preservation of peace. Conversation with Count Apponyi ..	58
101. " " ..	19,	Conversation with Count Apponyi. His Government have urged withdrawal of candidature of Prince Leopold at Madrid and moderation at Paris ..	59
102. To Lord A. Loftus ..	19,	Count Bernstorff's observations as to King of Prussia's communication of renunciation of Prince Leopold to M. Benedetti ..	60
103. Mr. Bonar ..	16,	Attitude of Switzerland. Statement of President of the Confederation to Chambers ..	60

No.	Date.	SUBJECT.	Page
104. Vice-Admiral Harris ..	July 18, 1870	Neutrality of Holland will be respected by France and Prussia. Promise of North German Government to respect neutrality of Luxemburg, contingently on France doing so	63
105. Lord Lyons ..	18,	French assurances as to respecting neutrality of Luxemburg and Holland	64
106. „ „ ..	19,	Bavarian suggestion rejected by King of Prussia. Conversation with Duc de Gramont	64
107. „ „ ..	18,	Declaration of war sent to Berlin on the 17th. Conversation with Duc de Gramont on refusal of France to appeal to mediation	64
108. „ „ ..	19	Commerce of neutrals. Conversation with Duc de Gramont	65
109. „ „ ..	19,	No foreigners to be received at French head-quarters ..	65
110. To Lord Lyons ..	20,	Bavarian suggestion referred to in No. 106 not recommended to Prussia by Her Majesty's Government ..	65
111. „ „ ..	20,	Non-acceptance by France of mediation. Approves No. 107	66
112. „ „ ..	20,	Commerce of neutrals. Approves No. 108	66
113. „ „ ..	20,	Satisfaction of Her Majesty's Government at assurance that France will respect the neutrality of Luxemburg and Holland	66
114. To Sir A. Buchanan ..	20,	Proposal of Baron Brunnow to avert hostilities by Great Powers recording renunciation of Prince Leopold's candidature in a Protocol	66
115. Mr. Bonar ..	18,	Assurances of France, Prussia, and Baden respecting Swiss neutrality	67
116. Lord A. Loftus ..	19,	Prussian reply to offer of mediation	68
117. To Lord Lyons ..	21,	Conversation with French Ambassador. Neutrality of Belgium, Holland, Luxemburg, and Switzerland. Neutrality of England	68
118. „ „ ..	21,	Neutral property in enemy's ships. As to interpretation of French Declaration	69
119. Lord Lyons ..	21,	Treatment of merchant-vessels and subjects of belligerent States.. .. .	70
120. M. de Lavalette ..	22,	Declaration of war. French Government will abide by Declaration of April 16, 1856, and urges exact observance of strict neutrality by British authorities and subjects	72
121. Communicated by M. Lavalette] ..	22,	Declaration to Senate and Legislative Body. War dates from July 19	73
122. Lord Lyons ..	22,	Enemy's vessels with British cargoes for British ports on British account. As to position of	73
123. „ „ ..	23,	Duc de Gramont's note to French Ambassador in London refusing mediation	75
124. „ „ ..	24,	Temporary privilege to enemy's ships with French cargoes for French ports not applicable to British cargoes and ports	76

Correspondence respecting the Negotiations preliminary to the War between France and Prussia, 1870.

No. 1.

Mr. Layard to Her Majesty's Principal Secretary of State, Foreign Office.—(Received July 5, 5.50 P.M.)

(Telegraphic.)

San Ildefonso, July 5, 1870, 12.10 P.M.

THE Council of Ministers assembled here last night under the Regent have decided upon proposing the hereditary Prince of Hohenzollern Sigmaringen as a candidate for the Throne. The Cortes is summoned for the 20th of the month, and it is expected that he will be accepted by the requisite majority.

No. 2.

Lord Lyons to Her Majesty's Principal Secretary of State, Foreign Office.—(Received July 6.)

(Extract.)

Paris, July 5, 1870.

THE Duc de Gramont told me this afternoon that the French Government had received positive intelligence that the Crown of Spain had been offered by General Prim to the Prince Leopold of Hohenzollern, and has been accepted by the Prince.

To this, continued M. de Gramont, France will not resign herself, and when I say that we shall not resign ourselves to it, I mean that we shall not permit it, and that we shall use our whole strength to prevent it.

M. de Gramont then informed me that he had declared categorically to Baron de Werther, the Prussian Ambassador, that France would not tolerate the establishment of the Prince de Hohenzollern or any other Prussian Prince on the Throne of Spain.

Baron de Werther had, M. de Gramont said, answered that he was on the point of setting out for Ems to pay his duty to his Sovereign, and that he would not fail to inform His Majesty of the sentiments of the French Government.

M. de Gramont proceeded to observe to me that nothing could be further from the wishes of the French Government than to interfere in the internal affairs of Spain, but that the interest and the dignity of France alike forbade them to permit the establishment of a Prussian Dynasty in the Peninsula. They could not consent to the existence of a state of things which would oblige them, in case of war with Prussia, to keep a watch upon Spain, which would paralyze a division of their army. The proposal to set the Crown of Spain upon a Prussian head was nothing less than an insult to France. With a full consideration of all that such a declaration implied, the Government of the Emperor declared that France would not endure it.

Finally M. de Gramont begged me to lose no time in making your Lordship acquainted with the sentiments of the Emperor's Government, and expressed his earnest hope that Her Majesty's Government would co-operate with him in endeavouring to ward off an event which would, he said, be fraught with danger to the peace of Europe.

No. 3.

Lord Lyons to Her Majesty's Principal Secretary of State, Foreign Office.—(Received July 6.)

(Telegraphic.)

Paris, July 6, 1870, 4 P.M.

THE following is the substance, given from memory, of a declaration just made in the Corps Législatif by the Minister for Foreign Affairs :—

“ It is true that Prim has offered the Crown of Spain to Prince Leopold of Hohenzollern, and that the Prince has accepted it. We are ignorant of the details of a negotiation which has been concealed from us. We have respected the rights of a nation in the full exercise of its sovereignty, and have never manifested either favour or aversion to any candidate for the Throne of Spain. We have observed the strictest neutrality. We shall continue to do so ; but we do not consider that this principle obliges us to allow a foreign Power to disturb the balance of power in Europe to our disadvantage by placing one of its Princes on the Spanish Throne. To prevent this we trust to the prudence of the German people and to the friendship of the people of Spain. But if it should be otherwise, we shall perform our duty without hesitation and without weakness.”

The declaration was received with loud applause from all parts of the Chamber.

No. 4.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 6, 1870.

I RECEIVED at the House of Lords yesterday afternoon your telegram, dated a few hours before, stating the first impression made on the Duc de Gramont by the intelligence of the Crown of Spain having been offered to Prince Leopold of Hohenzollern ; and this morning I received your despatch of the same date giving a more detailed report of what had passed between you and his Excellency.

On my return from Windsor this afternoon the French Ambassador called upon me. His Excellency held to me the same language as that which you report as having been held to you by the Duc de Gramont. France, he said, disclaimed any desire to interfere with Spain ; and after stating the arguments which render the possession of the Crown of Spain by a Prussian Prince dangerous to France, he concluded by assuring me that the circumstances were of the gravest character, and that, in his opinion, the Government of the Emperor could not, under the pressure of public opinion, admit a project of such a nature. He added, however, that there was no reason why any preliminary means should not be tried to avert so great an evil as that which might result from it ; and he addressed himself to the Government of the Queen, on the strength of the friendly relations which subsisted between England and France and of the desire of Her Majesty's Government to maintain the peace of Europe, requesting them to exercise all their influence upon Prussia and upon Spain in order to put a stop to the projected installation of the Prince on the Spanish Throne.

I told M. de Lavalette that Her Majesty's Government had been surprised by the news ; that I perfectly understood the unfavourable effect which such an announcement was calculated to produce in France, although I did not agree with all the arguments that he had used with respect to the importance to so great a nation as France of a German Prince on the Throne of Spain ; and that I reserved my opinion on facts of which I had as yet an imperfect knowledge.

I said that it was a matter of regret to me that such strong language as that reported by your Excellency to have been addressed to Baron Werther had been used ; but I added that it was not so much a moment for the general discussion, but rather to see what could be done that could tend to a favourable issue of the affair.

I readily assented to his request that Her Majesty's Government should use what influence they might possess, both with Prussia and with Spain ; and, without any pretension to dictate to either Power, they would advise them to take into their most serious consideration, such as its gravity required, all the bearings of this question ; and I promised to communicate at once with your Excellency, Lord Augustus Loftus, and Mr. Layard.

I am, &c.

(Signed) GRANVILLE.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, July 6, 1870.

MR. GLADSTONE and I were taken by surprise yesterday evening by the news that the Government of Spain had offered the Crown of Spain to Prince Leopold of Hohenzollern; it appears also that the offer has been accepted by the Prince. Her Majesty's Government have no wish to interfere in any way in the internal affairs of Spain; still less have they the pretension of dictating in such a matter to North Germany: but they certainly hope, and they cannot but believe, that this project, of which they have been hitherto ignorant, has not received any sanction from the King. Some of the greatest calamities to the world have been produced by small causes, and by mistakes trivial in their origin. In the present state of opinion in France, the possession of the Crown of Spain by a Prussian Prince would be sure to lead to great and dangerous irritation. Of this, indeed, we have conclusive evidence in the report just received of what has been stated by the Minister to the French Chamber.

In Prussia it can be an object of no importance that a member of the House of Hohenzollern should be on the Throne of the most Catholic country in Europe. It is not clear that he would receive the allegiance of the Spanish people, divided as they are into parties, many of which would be necessarily opposed to Prince Leopold, and would possibly unite against him.

Success could add but little to the dignity of the Royal Family of Prussia or to the power of North Germany, while the want of it could not fail to be a painful incident. It is not, however, so much as to the bearing which this question has upon North Germany, of which the King and his advisers are the best judges, that I wish to lay stress, as upon the result it may have on the future welfare of Spain,—an object which Prussia must have as much at heart as Her Majesty's Government.

It is in the interest of civilization, and of European peace and order that Spain should consolidate her institutions. It is almost impossible that this should be accomplished if a new monarchy be inaugurated, which is certain to excite jealousy and unfriendly feelings, if not hostile acts, on the part of her immediate and powerful neighbour. Such feelings in France would be too likely to find an echo among some of those parties to whose existence in Spain I have already alluded.

I venture, therefore, to hope that the King and his advisers will find it consistent with their own views of what is best for Spain effectually to discourage a project fraught with risk to the best interests of that country.

You will not fail to point out that if these sentiments be just, the King of Prussia, whose reign has brought about so signal an aggrandisement of that country, has now an opportunity not less signal of exercising a wise and disinterested magnanimity, with the certain effect of conferring an inestimable service on Europe by the maintenance of its peace.

You will be careful to say nothing which could give ground for the supposition that Her Majesty's Government controvert, or even discuss, the abstract right of Spain in the choice of her own Sovereign. For your own information I may add that we have not in any measure admitted that the assumption of the Spanish Throne by Prince Leopold would justify the immediate resort to arms threatened by France. On this topic, however, you are not to enter at present in communicating with the Prussian Government. The groundwork of the representations which you are instructed to make, and of those which, with a similar aim, Her Majesty's Government have addressed to the Government of Spain, is prudential. To considerations, however, of that class I cannot but add the reflection that the strict secrecy with which these proceedings have been conducted as between the Spanish Ministry and the Prince who has been the object of their choice, seems inconsistent, on the part of Spain, with the spirit of friendship, or the rules of comity between nations, and has given, what Her Majesty's Government cannot but admit to be, so far as it goes, just cause of offence, which, it may perhaps be contended, it may be impossible to remove so long as the candidature of the Prince continues.

I am, &c.

(Signed) GRANVILLE.

No. 6.

Lord Lyons to Her Majesty's Principal Secretary of State, Foreign Office.—(Received July 7.)

My Lord,

Paris, July 6, 1870.

A FEW minutes after the declaration of the Duc de Gramont on the offer of the Crown of Spain to Prince Leopold of Hohenzollern was made this afternoon in the Corps Législatif, I dispatched to your Lordship a telegram giving from memory the substance of it.

I have now the honour to transmit to your Lordship a copy of the text of it.

It was received with enthusiasm by the whole Body. Loud applause greeted it from all sides.

I have, &c.
(Signed) LYONS.

Inclosure in No. 6.

Text of the Duc de Gramont's Declaration in the Corps Législatif.

JE viens répondre à l'interpellation qui m'a été posée hier par l'honorable M. Cochery.

Il est vrai que le Maréchal Prim a offert au Prince Leopold de Hohenzollern la couronne d'Espagne, et que ce dernier l'a acceptée. Mais le peuple Espagnol ne s'est point encore prononcé, et nous ne connaissons point encore les détails vrais d'une négociation qui nous a été cachée. Aussi, une discussion ne saurait-elle aboutir maintenant à aucune résultat pratique. Nous vous prions, Messieurs, de l'ajourner.

Nous n'avons cessé de témoigner nos sympathies à la nation Espagnole, et d'éviter tout ce qui aurait pu avoir les apparences d'une immixtion quelconque dans les affaires intérieures d'une noble et grande nation, en plein exercice de sa souveraineté; nous ne sommes pas sortis à l'égard des divers prétendants au trône de la plus stricte neutralité, et nous n'avons jamais témoigné pour aucun d'eux ni préférence ni éloignement.

Nous persisterons dans cette conduite.

Mais nous ne croyons pas que le respect des droits d'un peuple voisin nous oblige à souffrir qu'une Puissance étrangère, en plaçant un de ses Princes sur le Trône de Charles Quint, puisse déranger à notre détriment l'équilibre actuel des forces en Europe, et mettre en péril les intérêts et l'honneur de la France.

Cette éventualité, nous en avons le ferme espoir, ne se réalisera pas.

Pour l'empêcher, nous comptons à la fois sur la sagesse du peuple Allemand et sur l'amitié du peuple Espagnol.

S'il en était autrement, forts de votre appui, Messieurs, et de celui de la nation, nous saurions remplir notre devoir sans hésitation et sans faiblesse.

(Translation.)

I AM about to reply to the interpellation addressed to me yesterday by the Honourable M. Cochery.

It is true that Marshal Prim has offered the Crown of Spain to the Prince of Hohenzollern, and that he has accepted it. But the Spanish people have not yet declared themselves, and we are not yet acquainted with the true details of a negotiation which was concealed from us. Accordingly, a discussion could not at present lead to any practical result. We beg you, gentlemen, to postpone it.

We have not ceased to show our sympathy for the Spanish nation, and to avoid everything that could have had the appearance of an interference of any kind in the internal affairs of a noble and great nation in the full exercise of its sovereignty; we have not, with regard to the various candidates for the Throne, departed from the strictest neutrality, and we have never shown any of them either preference or aversion.

We shall persist in this conduct. But we do not think that respect for the rights of a neighbouring people compels us to suffer that a foreign Power, by placing one of its Princes on the Throne of Charles V, should disturb to our disadvantage the present balance of power in Europe and should endanger the interests and honour of France.

This eventuality we firmly hope will not be realized.

To prevent it, we count at once on the wisdom of the German people and the friendship of the Spanish people.

If it should be otherwise, strong in your support, gentlemen, and in that of the nation, we should know how to discharge our duty without hesitation and without weakness.

No. 7.

Earl Granville to Mr. Layard.

Sir, *Foreign Office, July 7, 1870.*
YOUR telegram of the 5th instant, announcing that the Council of Ministers had decided on proposing the hereditary Prince of Hohenzollern as a candidate for the Spanish Throne, and that the Cortes had, in consequence, been summoned for the 20th of this month, contained the first intimation that Her Majesty's Government received of such a measure being contemplated by the Provisional Government.

From the accounts which they have subsequently received the proceeding appears to have been received with great disfavour by the French Government, and to have called forth in the French Chamber yesterday a very decided declaration from the French Minister for Foreign Affairs as to the view which the French Government would take of the matter if persevered in.

Her Majesty's Government have no desire to recommend any particular person whatever to Spain as her future Sovereign, or to interfere in any way with the choice of the Spanish nation; but entertaining as they do the strongest wish for the well-being of Spain, it is impossible that they should not feel anxious as to the consequences of the step thus taken by the Provisional Government, and they would wish you, while carefully abstaining from employing any language calculated to offend them, to use every pressure upon them which, in your judgment, may contribute to induce them to abandon the project of conferring the Throne of Spain on Prince Leopold of Hohenzollern.

I need scarcely, however, point out to you the importance of carefully avoiding any course which might provoke them to adhere to it.

I am, &c.
(Signed) GRANVILLE.

No. 8.

Earl Granville to Mr. Layard.

Sir, *Foreign Office, July 7, 1870.*
I HAVE seen the Spanish Minister to-day. He translated to me a telegram which he had received from his Government announcing that the Crown of Spain had been offered by them to Prince Leopold of Hohenzollern, and that the offer had been accepted by his Highness, and expressing the conviction that the choice thus made by them of a Sovereign for Spain would be agreeable to all the Powers of Europe.

I told Señor de Rances that I had been surprised by the news which I had received two days ago; that with regard to the satisfaction with which it would be received by foreign nations, I was not speaking merely after the event, but it was impossible not to have foreseen that such a choice, secretly made and suddenly announced, would create great irritation in France.

I said that there was nothing in which I regretted my succession to Lord Clarendon so much as in regard to Spain; that he knew it so well, and the interest that he took in its prosperity was so much appreciated by Spaniards, that his influence would have been great in this critical moment. But my only wish was to follow in his footsteps, and do all I could to co-operate in what might advance the prosperity of Spain, without pretending to dictate or to interfere in her internal affairs.

I begged him, however, to explain to his Government, in terms which would be scrupulously compatible with their dignity, that I could not press upon them too much on prudential grounds, the wish of Her Majesty's Government that they should not give effect to a step which, as the elevation of Prince Leopold of Hohenzollern to the Throne of Spain, might, on the one hand, bring on great European calamities, and which, on the other, was almost certain to render the relations of Spain with a Power which was her immediate neighbour, of a painful, if not hostile character.

I said that a monarchy inaugurated under such auspices would not consolidate the

new institutions of the country, and that difficulties abroad would certainly find an echo in Spain herself.

Señor Rances explained that the project was one which had not been intended as hostile to France; that it was the natural result of other combinations which had failed; that it was to meet the ardent wish of the Liberal party to have a King, in order to consolidate their institutions. But he begged me to remark that it was only a resolution of the Ministers with a view to put some proposition before the country; that the Cortes would have to decide; that there was no reason to suppose that they would take any rash or injudicious step.

Señor Rances promised to report to his Government in as strong terms as were consistent with the respect due to them the earnest wish of Her Majesty's Government that they should act in this matter with a view to the maintenance of peace in Europe, and the future welfare of Spain.

I am, &c.
(Signed) GRANVILLE.

No. 9.

Lord Lyons to Earl Granville.—(Received July 8.)

(Extract.)

Paris, July 7, 1870.

IN my telegram of yesterday I gave your Lordship, from memory, the substance of the declaration made in the Corps Législatif by the Duc de Gramont, respecting the offer of the Crown of Spain to Prince Leopold of Hohenzollern; and with my despatch of yesterday I sent your Lordship the text of that declaration.

Observations from M. Crémieux and M. Arago, Members of the Extreme Left party, elicited from M. Emile Ollivier a strong assertion that the declaration was not to be taken as a sign that the Government was designedly or willingly preparing the way for war. He denied that it contained anything which could reasonably give offence either to Spain or to Prussia; and uttered emphatically the following words:—"Le Gouvernement désire la paix; il la désire avec passion . . . il la désire avec passion, mais avec honneur."

No. 10.

Lord Lyons to Earl Granville.—(Received July 8.)

My Lord,

Paris, July 7, 1870.

IN my despatch of the day before yesterday I reported a conversation which I had had on the evening of that day with the Duc de Gramont on the subject of the offer of the Crown of Spain to Prince Leopold of Hohenzollern.

In the evening I went to the ordinary reception of M. Emile Ollivier, who took me on one side and spoke to me at some length, and with considerable emphasis, respecting this affair. His language was in substance the same as that held by M. de Gramont, but he entered into rather more detail, and spoke with still more precision of the impossibility of permitting the Prince to become King of Spain. Public opinion in France, he said, would never tolerate it. Any Cabinet—any Government—which acquiesced in it would be at once overthrown. For his own part, it was well known he had never been an enemy to Germany, but with all his good-will towards the Germans he must confess that he felt this proceeding to be an insult, and fully shared the indignation of the public.

M. Emile Ollivier then proceeded to speak of the declaration which was to be made by the Minister for Foreign Affairs in the Chamber on the following day. I urged that it should be moderate; and M. Ollivier assured me that it should be as mild as was compatible with the necessity of satisfying public opinion in France. But, in fact, he said, our language is this: "We are not uneasy, because we have a firm hope that the thing will not be done; but if it were to be done, we would not tolerate it."

After this conversation, I hardly expected that the declaration would have been so strongly worded as it proved to be. The terms of it were settled on the following morning at a Council at St. Cloud, at which the Emperor presided, and it was, as your Lordship is aware, read in the Corps Législatif in the afternoon.

The declaration, however, forcible as it was, did not go at all beyond the feeling of the country. It is only too plain that, without considering how far the real interests of France may be in question, the nation has taken the proposal to place the Prince of Hohenzollern

on the Throne of Spain, as an insult and a challenge from Prussia. The wound inflicted by Sadowa on French pride had never been completely healed,—nevertheless, time had begun to produce the effect of reconciling men's minds to what was done and could not be helped, and irritation was subsiding. Now this unhappy affair has revived all the old animosity; the Government and the people have alike made it a point of honour to prevent the accession of the Prince, and they have gone too far to recede.

I do not, however, believe that either the Emperor or his Ministers either wish for war or expect it. At this moment, they confidently hope that they shall succeed without war in preventing the Prince from wearing the Crown of Spain. They conceive that, if this should be so, they shall gain popularity at home by giving effect energetically to the feeling of the nation; and that they shall raise their credit abroad as well as at home by a diplomatic success. They are, moreover, not sorry to have an opportunity of testing the public feeling with regard to Prussia. Lastly, they are convinced that it would have been impossible, with safety, to put up with what, rightly or wrongly, the nation would regard as a fresh triumph of Prussia over France.

In pursuing this policy, however, they have run the risk of enlisting the pride of Germany as well as of Spain in the cause of the Prince of Hohenzollern, and have left themselves no means of retreat. If they do not succeed in preventing the success of the Prince by peaceful means, they have avowedly no alternative but to go to war.

I have, &c.
(Signed) LYONS.

No. 11.

Lord Lyons to Earl Granville.—(Received July 8.)

(Extract.)

Paris, July 7, 1870.

I OBSERVED to the Duc de Gramont this afternoon that I could not but feel uneasy respecting the declaration which he had made the day before in the Corps Législatif. I could not, I said, help thinking that milder language would have rendered it more easy to treat both with Prussia and with Spain for the withdrawal of the pretensions of Prince Leopold of Hohenzollern.

M. de Gramont answered that he was glad I had mentioned this, as he wished to have an opportunity of conveying to your Lordship an explanation of his reasons for making a public declaration in terms so positive. Your Lordship would, he was sure, as Minister in a constitutional country, understand perfectly the impossibility of contending with public opinion. The nation was, he said, so strongly roused upon this question that its will could not be resisted or trifled with. He had seen me in the Chamber when he had made his declaration. I had, therefore, myself witnessed the extraordinary enthusiasm and unanimity with which the announcement of the determination of the Government to repel the insult offered to the nation had been received. He had kept within bounds, or he might have provoked a still more remarkable explosion of feeling. Now, the indignation out of doors was equally violent and equally general. Nothing less than what he had said would have satisfied the public. His speech was, in fact, as regarded the interior of France, absolutely necessary; and diplomatic considerations must yield to public safety at home.

Nor could he admit that it was simply the pride of France which was in question. Her military power was at stake. What had been the result of placing the brother of Prince Leopold at the head of the Government of Roumania? This petty Ruler had immediately begun to collect arms, to form an army, and, obeying in all points the instructions he received from Berlin, to prepare a Prussian arsenal to be used in case of war between Prussia and Austria. What had been done on a small scale in Roumania would be done on a great scale in Spain. The Prince of Hohenzollern would make himself a military Sovereign, and would get ready the means of paralyzing 200,000 French troops, if France should be engaged in war in Europe. It would be madness to wait until this was accomplished; if there was to be war, it had better come at once. The Duc de Gramont added that his language in the Chamber had been more moderate than that which he felt bound to use in speaking in his own Cabinet. In fact, he said, I am obliged to say to you without reserve that the accession of the Prince of Hohenzollern to the Throne of Spain is war (*"son avènement c'est la guerre"*).

How then, M. de Gramont asked, could so great a calamity be avoided? He would confess that he trusted much to the aid of Her Majesty's Government. By exercising

their influence at Berlin and at Madrid they might now manifest their friendship for France, and preserve the peace of Europe.

As regarded the Prussians, the essential thing was to make them understand that France could not be put off with an evasive answer. The pretexts which had been alleged to Austria in the case of Prince Charles would not avail. It would be childish to affirm that the Prussian Government were entirely strangers to the whole affair; that the Prince of Hohenzollern was of age and master of his own actions; that Prussia could not prevent his setting off for Spain with his cap in his hand, as his brother had secretly started for Roumania. It was not to be credited that the King of Prussia had not the power to forbid a Prince of his family, and an officer in his army, to accept a foreign Throne. It would be of the utmost benefit if these considerations could be pressed upon the Prussian Cabinet by Her Majesty's Government.

The King of Prussia might also be reminded of the miserable position in which a Prince of his House would be placed, who should attempt to occupy the Throne of Spain in hostility to France. Why, the French Government had nothing to do but to relax the vigilant watch they had kept and were keeping on the frontier, and let loose the hosts of Carlists, Isabellists, and Republicans, whom they now kept out of Spain. Ample occupation would in this way be given to any Government at Madrid, while France concentrated her whole military strength on a war on the Rhine. In fact, there could be no lack of reasons which might be powerfully urged by a friendly Power like England, to induce Prussia to abandon this ill-conceived project.

It was, however, in Spain that the assistance of Her Majesty's Government might be most effectually given to France. The Regent might surely be convinced that it was his duty to separate himself from a policy which would plunge Spain into civil war, and put an end to peace in Europe. Could he wish that Spain's re-appearance on the political scene of Europe should be the signal for ruin and bloodshed? Would he wish his name to go down to posterity as the author of all these evils? Let him be strongly urged to prevent the early assembling of the Cortes. In this way the election would be prevented, and all might be well again.

I inquired of M. de Gramont what was the present state of his communications with Prussia and Spain.

From Prussia, he said, he had no answer, and he did not yet know what had been the result of the representations which Baron de Werther had undertaken to make to the King at Ems.

The Spanish Government, on the other hand, had coolly informed him that they were not surprised that the first intelligence of the acceptance of the Crown by the Prince of Hohenzollern had caused some emotion in France; but that they hoped that this would pass off, and that on reflection the French Government would admit that it was the inevitable solution of the Spanish question.

No. 12.

Lord Lyons to Earl Granville.—(Received July 8.)

(Extract.)

Paris, July 7, 1870.

THE Count de Solms-Sonnenwalde, who is acting as Prussian Chargé d'Affaires in the absence of Baron Werther, the Ambassador, called upon me soon after I returned from the Duc de Gramont this afternoon, and expressed surprise at the declaration made in the Corps Législatif yesterday. He observed that Baron de Werther had engaged to represent the views of the French Government to the King of Prussia at Ems, and that it would have been natural to wait to know the result before making so strong a public announcement.

M. de Solms went on to say that he had no positive information, but that he thought it extremely probable that neither the King nor Count Bismarck knew anything about the offer of the Spanish Crown to Prince Leopold, and that the affair had been settled at Dusseldorf, at which place the Prince's father lived. At all events, it was not conceivable that Prussia could have any interest in placing a Prince of Hohenzollern on the Throne of Spain. The relationship of these Hohenzollerns with the Royal Family was so remote that it would be difficult to define it.

I asked M. de Solms what power the King of Prussia, as Chief of the House of Hohenzollern, or as Sovereign, could exercise over the Prince in the present case.

He said that he hardly knew; that certainly Prince Leopold being in the army, could not leave it without the King's permission.

I observed to M. de Solms, that much as we might deplore it, we could not shut our eyes to the fact that the feelings of the French nation would now render it impossible for the Government, even if they wished it, to acquiesce in the elevation of Prince Leopold to the Spanish Throne. Neither Prussia, nor any other nation that I knew of, had any real interest in making the Prince King of Spain; but all nations were deeply interested in preventing war, and that nation would most deserve the gratitude of Europe which should put an end to this cause of disquiet and danger. It seemed to me that the King of Prussia might, more than any other Sovereign, have the means of putting a stop to the whole thing in a dignified and honourable manner.

No. 13.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 8, 1870.

COUNT BERNSTORFF called upon me to-day, and informed me that he had received letters from the King of Prussia, and also from Berlin, and from Count Bismarck, from the general tenor of which it appeared that the reply of the North German Government to the request first made to them by France, for explanation respecting the offer of the Crown of Spain to Prince Leopold of Hohenzollern, was to the effect that it was not an affair which concerned the Prussian Government. They did not pretend to interfere with the independence of the Spanish nation, but left it to the Spaniards to settle their own affairs; and they were unable to give any information as to the negotiations which had passed between the Provisional Government of Madrid and the Prince of Hohenzollern.

Count Bernstorff said that he was not aware of the date at which the demand for explanation was made by the French Government, or of that of the answer which was returned to it.

His Excellency went on to say that the North German Government did not wish to interfere with the matter, but left it to the French to take what course they liked; and the Prussian Representative at Paris had been directed to abstain from taking any part in it.

The North German Government had no desire for a war of succession, but if France chooses to make war on them on account of the choice of a King made by Spain, such a proceeding on her part would be an evidence of a disposition to quarrel without any lawful cause. It was premature, however, to discuss the question as long as the Cortes has not decided on accepting Prince Leopold as King of Spain; still, if France chooses to attack North Germany, that country will defend itself.

Count Bernstorff went on to say that the language which he had stated to me as held by the North German Government was also held by the King of Prussia. His Majesty, he added, was a stranger to the negotiations with Prince Leopold, but he will not forbid the Prince to accept the Crown of Spain.

Count Bernstorff dwelt much on the violent language of France.

I repeated to his Excellency the principal arguments of a despatch which I had addressed to Lord Augustus Loftus, and in which I pointed out that it was in the interest of Spain that Her Majesty's Government pressed the North German Government to consider the importance of an amicable solution being found for the question that had been raised; and I added that the position of North Germany was such that, while it need not yield to menace, it ought not to be swayed in another direction by hasty words uttered in a moment of great excitement.

I am, &c.
(Signed) GRANVILLE.

No. 14.

Earl Granville to Mr. Layard.

Sir,

Foreign Office, July 8, 1870.

I SEND you by the messenger Captain Bagge copies of despatches which I have this morning received from Lord Lyons.

You will learn by these in what a serious light the offer of the Crown of Spain to Prince Leopold of Hohenzollern is viewed by the French Government, and how imminent is the risk of great calamities if means cannot be devised for averting them.

Her Majesty's Government are not aware whether any or, if any, what amount of sanction may have been given by North Germany to the offer to, and acceptance by, Prince Hohenzollern of the Crown of Spain. They are ignorant of the impression which may have been produced on the King of Prussia and his Government by the language of the French Government. On that point, therefore, they can say nothing; but they will use their best exertions to calm any irritation which the proceedings in the French Chambers may have provoked at Berlin, and to dissuade the Prussian Government from upholding a project of placing a Prince of the family of Hohenzollern, who, from his connection with the Royal Family of Prussia, and his position in that country, would, under any circumstances, be always looked upon in France with suspicion, on the Throne of Spain.

But, putting out of view what may possibly result from wounded feelings on the part of Prussia, the removal of the cause of dissension rests primarily with Spain.

As regards the Provisional Government of Spain, Her Majesty's Government feel sure that it would not be their wish to do anything which would be unnecessarily offensive to France, from whom they have received much consideration in the crisis through which Spain is passing. The Provisional Government, in turning their thoughts to the Prince of Hohenzollern, probably looked at the matter in an exclusively Spanish and not in an European point of view; and being convinced of the necessity of the speedy re-establishment of a monarchy in Spain, and disheartened by the successive obstacles which they had encountered in attempting to bring it about, they turned their attention to a Prince who might be ready to accept the Crown, and who, in other respects, might be acceptable to the Spanish people.

Her Majesty's Government are prepared to hear that the excitement which, looked at in an European point of view, their choice has called forth, was unexpected by the Provisional Government, whose wish Her Majesty's Government feel sure can never be to connect the restoration of the monarchy in Spain with a general disturbance of the peace of Europe. The Spanish Government would certainly have deemed, as all the friends of Spain must deem, such a combination fraught with danger to Spain herself. Even if she were in no way party to the origin of such a conflict as must thereupon ensue, the general disquietude which war would cause throughout Europe, and which would extend far beyond the countries immediately engaged in it, would be fatal to the development of Constitutional Government in Spain.

Her Majesty's Government have no wish to press upon the Government of Spain their own ideas, but they believe it would be unfriendly on their part to abstain from thus laying before the Provisional Government some of the prudential reasons which seem to them of vital importance to the best interests of Spain. They hope that their doing so will be accepted by the Spanish Government as the best evidence of their anxiety for the greatness and prosperity of Spain, and of their admiration of the wise course of improvement which has been inaugurated under the Provisional Government; and they trust that this frank communication may induce the Spanish Government to avoid all precipitation, and to devise some means consistent with their dignity and honour to put an end to the present embarrassment.

I am, &c.
(Signed) GRANVILLE.

No. 15.

Lord Lyons to Earl Granville.—(Received July 9.)

My Lord,

Paris, July 8, 1870.

THE Duc de Gramont expressed to me this afternoon great satisfaction with a report which he had just received of a conversation which your Lordship had had with the Marquis de Lavalette. He desired me to give your Lordship his best thanks for the friendly feeling you had manifested towards France.

M. de Gramont went on to say that he was still without any answer from Prussia, and that this silence rendered it impossible for the French Government to abstain any longer from making military preparations. Some steps in this direction had been already taken, and to-morrow the military authorities must begin in earnest. The movements of troops would be settled at the Council to be held at St. Cloud in the morning.

On my manifesting some surprise and regret at the rapid pace at which the French Government seemed to be proceeding, M. de Gramont insisted that it was impossible for them to delay any longer. They had reason to know (indeed the Spanish Ministers did

not deny it) that the King of Prussia had been cognizant of the negotiation between Marshal Prim and the Prince of Hohenzollern throughout. It was therefore incumbent upon His Majesty, if he desired to show friendship towards France, to prohibit formally the acceptance of the Crown by a Prince of his House. Silence or an evasive answer would be equivalent to a refusal. It could not be said that the quarrel was of France's seeking. On the contrary, from the battle of Sadowa up to this incident, France had shown a patience, a moderation, and a conciliatory spirit which had, in the opinion of a vast number of Frenchmen, been carried much too far. Now, when all was tranquil, and the irritation caused by the aggrandizement of Prussia was gradually subsiding, the Prussians, in defiance of the feelings and of the interest of France, endeavoured to establish one of their Princes on the Pyrenees. This aggression it was impossible for France to put up with. It was earnestly to be hoped that the King would efface the impression it had made, by openly forbidding the Prince to go to Spain.

There was another solution of the question to which the Duc de Gramont would beg me to call the particular attention of Her Majesty's Government. The Prince of Hohenzollern might of his own accord abandon his pretensions to the Spanish Crown. He must surely have accepted the offer of it in the hope of doing good to his adopted country. When he saw that his accession would bring domestic and foreign war upon his new country, while it would plunge the country of his birth, and indeed all Europe, into hostilities, he would surely hesitate to make himself responsible for such calamities. If this view of the subject were pressed upon him, he could not but feel that honour and duty required him to sacrifice the idle ambition of ascending a Throne on which it was plain he could never be secure.

A voluntary renunciation, on the part of the Prince would, M. de Gramont thought, be a most fortunate solution of difficult and intricate questions; and he begged Her Majesty's Government to use all their influence to bring it about.

I have, &c.
(Signed) LYONS.

No. 16.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 9, 1870.

I HAVE received and laid before the Queen your Excellency's despatches of the 7th instant, respecting the crisis in European affairs which has arisen from the offer of the Throne of Spain to Prince Leopold of Hohenzollern.

You will thank the Duc de Gramont for the frankness of the communication that he has made to you, and for the friendly and certainly not misplaced confidence which he has shown by appealing to Her Majesty's Government to use their influence to avert the present danger.

Her Majesty's Government are not able to perceive that the nomination of Prince Leopold of Hohenzollern to the Throne of Spain is a matter of such importance to a great and powerful nation like France as to warrant carrying to extremes a national feeling of resentment. But it appears clear that such a feeling does exist, and it is probably in deference to such public opinion that words have been publicly used by Ministers of the Emperor, which, at the outset undoubtedly add greatly to the difficulty of an amicable settlement of this question.

Her Majesty's Government feel confident that the Imperial Government will act with moderation and forbearance in the further conduct of this affair, and hope that an adjustment of the present question may be effected without any disturbance of the peace of Europe, and without any interruption of friendly relations between the different powers more immediately concerned in the dispute.

The Duc de Gramont may rest assured that no effort will be wanting on the part of Her Majesty's Government to contribute to an object so desirable, and of such grave importance.

I am, &c.
(Signed) GRANVILLE.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 9, 1870.

I HAVE this morning received your Excellency's despatch of yesterday's date, giving an account of a further conversation with the Duc de Gramont on the offer of the Crown of Spain to Prince Leopold of Hohenzollern.

I acquainted your Excellency in my despatch of the 6th instant that in my first interview with the French Ambassador after the receipt of the news, I had expressed to him my regret that such strong language, as was reported by you, had been used on the subject by the Duc de Gramont in conversing with the Prussian Ambassador at Paris.

Her Majesty's Government have continued to regret the tenor of the observations successively made in the French Chambers and in the French press, which tend to excite rather than to allay the angry feelings which have been aroused in France, and may only too probably call forth similar feelings in Germany and in Spain; and their regret has been increased by the intimation now given to you by the Duc de Gramont that military preparations would forthwith be made in France.

Such a course is, they fear, calculated to render abortive the attempts which Her Majesty's Government are making to bring about an amicable settlement, and is calculated to raise a serious question as to the expediency of making any further efforts at the present moment for that purpose, which precipitate action on the part of France can hardly fail to render nugatory, and of rather reserving such efforts for a future time, when the parties most directly interested may be willing to second them by moderation and forbearance in the support of their respective views.

I am, &c.

(Signed) GRANVILLE.

*Earl Granville to Lord Lyons.**

My Lord,

Foreign Office, July 9, 1870.

THE Italian Minister called upon me to-day with a communication from his Government respecting the question now pending between France, Prussia, and Spain. He said that the French Government had addressed themselves to the Cabinet of Florence, with a request that they would use their influence for the maintenance of peace, and that the Italian Government being most anxious that no disturbance of the general peace should take place, were quite ready to act as requested by the French Government, and desired to make known to the Government of Her Majesty that they were prepared to join their efforts to those of Great Britain for this purpose.

On this account M. de Cadorna was instructed to ascertain the views of Her Majesty's Government on the present critical state of affairs, and whether and to what extent any joint action should take place between the two Governments.

I told the Italian Minister, in reply, that Her Majesty's Government were very sensible of the friendly confidence by which his communication was dictated; and I told him the substance of what Her Majesty's Government had already done and written on the subject, as set forth in the despatches addressed to your Excellency, Lord Augustus Loftus, and Mr. Layard.

I expressed my satisfaction at the wise decision at which the Italian Government had arrived, to contribute as far as it could to the maintenance of general peace; and although the combined action of other Powers to reconcile the differences which had produced such alarm did not appear to be, at all events for the present, desirable, the Italian Government might rest assured that, while acting separately, Her Majesty's Government would be found on all occasions acting cordially with them in the same spirit as that by which, I am happy to learn, the Cabinet of Florence was now animated.

I said that I would keep the Italian Government fully informed of the steps which might be taken by Her Majesty's Government; and that I did not doubt that they would be equally communicative towards us.

I am, &c.

(Signed) GRANVILLE.

* A similar despatch was addressed to Sir Augustus Paget.

No. 19.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 10, 1870.

IN an interview which I have had to-day with the French Ambassador, I informed him confidentially that I had heard from Mr. Layard that Marshal Prim, though without committing himself, was in communication with Mr. Layard as to whether means might not be found for settling the question of the Spanish succession without any impeachment to the honour of Spain.

Her Majesty's Government are fully persuaded that the Imperial Government have no desire for war, but only contemplate resorting to that extremity with the view of preventing the realization of a contingency which they consider would affect the honour and interests of France; and in intimating this conviction to the Marquis de Lavalette, I added that the intelligence from Madrid, which I had just imparted to him, seemed to me to afford strong additional grounds for avoiding any precipitate action in the question in dispute.

I am, &c.

(Signed) GRANVILLE.

No. 20.

Earl Granville to Sir A. Buchanan.

Sir,

Foreign Office, July 10, 1870.

I HAVE explained to Baron Brunnow the policy which has been adopted by Her Majesty's Government in regard to the nomination of the Prince of Hohenzollern as a candidate for the Throne of Spain, which may be stated shortly to be comprised in urgent representation to the French Government to avoid acting with precipitation, and in friendly pressure, without any appearance of dictation, on the Governments of Prussia and Spain, to induce them seriously to consider the question at issue in all its important bearings.

Baron Brunnow said that, speaking for himself, he agreed in that policy, but he had not received any instruction from his Government on this subject.

I am, &c.

(Signed) GRANVILLE.

No. 21.

Lord A. Loftus to Earl Granville.—(Received July 11.)

My Lord,

Berlin, July 6, 1870.

BEING prevented by illness from leaving the house I requested Mr. Petre to call on M. de Thile to inquire if his Excellency could give me any information on the subject of the reported offer of the Crown of Spain to the hereditary Prince of Hohenzollern.

M. de Thile informed Mr. Petre that the French Chargé d'Affaires, M. le Sourd, had called upon him a few days ago and had stated that the intelligence which had reached the French Government of a deputation having been sent from Madrid to offer the Crown of Spain to the Prince of Hohenzollern, and of the offer having been accepted, had produced an unfavourable impression at Paris, and that the Imperial Government wished to know what course the Prussian Government intended to pursue with reference to this question ("quelle serait l'attitude du Gouvernement Prussien").

M. de Thile told the French Chargé d'Affaires that the selection of a Sovereign to fill the Throne of Spain was a question with which the Prussian Government had no concern whatever ("c'était une question qui n'existait pas pour le Gouvernement Prussien"), and that consequently he was not in a position to give any explanations upon the subject to the French Government. The Prussian Government considered that the statesmen and people of Spain were entitled to offer the Crown to any one whom they might think fit, and that it concerned the person alone to whom the offer was made to accept it or not.

M. de Thile assured Mr. Petre that this was all that had passed on the subject between M. le Sourd and himself.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 22.

Lord A. Loftus to Earl Granville.—(Received July 11.)

(Extract.)

Berlin, July 7, 1870.

BEING somewhat recovered from my indisposition I waited to-day on Baron Thile. On referring to the candidature of the Prince of Hohenzollern for the Crown of Spain, his Excellency repeated to me what he had stated on the previous day to Mr. Petre, as reported in my despatch of the 6th instant.

His Excellency stated that he had received no fresh information on the subject, further than that the Spanish Minister had called upon him that day and had shown him a telegram he had received *en clair* from his Government, stating that a meeting of the Cabinet had taken place at La Granja in the presence of the Regent, and that the acceptance of Prince Hohenzollern as the future King of Spain had been unanimously agreed to.

It added that the Cortes would assemble on the 22nd instant, and that on the 1st August the vote would be taken. Baron Thile observed on the extreme irritation existing at Paris, and on the high tone assumed by the Duc de Gramont in his speech in the Chamber. His Excellency stated, however, that the Prussian Government would maintain an attitude of perfect silence and abstention.

No. 23.

Mr. Layard to Earl Granville.—(Received July 11.)

(Extract.)

La Granja, July 7, 1870.

I RECEIVED this afternoon your Lordship's telegram expressing your anxiety as to the consequences of the offence which Spain would give to France by electing the hereditary Prince of Hohenzollern to the Throne, as proved by the very decided declaration made in the French Chambers of the view taken by the French Government on this subject, and disclaiming, at the same time, the intention of England to recommend to Spain any particular Sovereign, or to interfere in any manner with the choice of the Spanish people. I telegraphed at once to Mr. Seymour, the Second Secretary of the Legation, to see Señor Sagasta from me, and to communicate to him the substance of your Lordship's telegram. But as I had had, during the morning, some conversation with the Regent with regard to the election of the Prince of Hohenzollern, and his Highness had entered very fully upon the subject, expressing to me the anxiety which he felt in consequence of the reports received from Paris as to the feeling of the French Government and Chambers, I thought it desirable also to communicate to him your Lordship's telegram. His Highness expressed his satisfaction at being made acquainted with the sentiments of Her Majesty's Government, and observed to me that, as I knew, he shared the anxiety felt by your Lordship.

I impressed upon his Highness that England had no wish or intention to recommend any particular Sovereign to Spain, and to interfere with the free choice of her people; and that the anxiety of Her Majesty's Government at the attitude assumed by France was solely to be attributed to the interest which they felt in the welfare of the Spanish nation. His Highness seemed fully to appreciate the friendly sentiments of Her Majesty's Government, and expressed his satisfaction that I had at once communicated the substance of your Lordship's telegram to the Minister of State.

Señor Sagasta to Señor Rances y Villaneueva.—Communicated to Earl Granville y Rances, July 11.)

(Translation.)

Excellency,

Madrid, July 7, 1870.

YOUR Excellency is aware of the important declarations made in the Constituent Cortes on the 11th of June last by the President of the Council of Ministers. In explaining to the Representatives of the Spanish nation the proceedings, which had been fruitless up to that time, to find a candidate for the throne which they, in the exercise of their indisputable sovereignty, had raised, he stated to them that the Provisional Government, as well as the Executive Power, and subsequently the Government of His Highness the Regent, had honoured him with the most unlimited confidence, authorizing him to take any steps and to enter into any negotiations necessary to arrive at a satisfactory conclusion in such a serious question. Invested with these ample powers, General Prim had in his favour for the discharge of his difficult mission, besides his high personal influence politically, the moral authority of the whole Government, the force which unity of purpose and action gives, and the guarantee of the most absolute reserve. It was, therefore, to be hoped that, in spite of the unfortunate result of his former proceedings, he would succeed in overcoming every kind of difficulty, and be able to propose to his companions in the Government and to present for the approval of the Constituent Cortes a candidate worthy to wear the crown of Spain, and likewise acceptable to all men of the liberal monarchical party. The Government entertained this confidence, which has not been deceived, and it now has the satisfaction of announcing through me to your Excellency that at the Council of Ministers held at La Granja on the 4th instant under the presidency of his Highness, Prince Leopold of Hohenzollern-Sigmaringen was named as a candidate for the Throne of Spain. The entirely favourable circumstances which are combined in this Prince, and the good reception which his nomination has met with in the public opinion of the country, give the Government the pleasing hope that its candidate will very soon be the one whom the Cortes will appoint as King by a large majority, and thus close the glorious period which began in September 1868. Yesterday, when the reserve hitherto recommended by prudence had but just ceased to be necessary, I hastened to inform your Excellency by telegraph of the determination of the Government and of the arrangements that were immediately to be adopted to submit it to the sovereign approval of the Cortes, in strict compliance with the precepts of the fundamental code of the nation and of the law for the election of a Monarch. And at the same time that I instructed your Excellency to communicate it to the Government to which you are accredited, I gave you some intimations as to the real political signification of this event, which will in no way affect our relations with the other Powers, however great may be the influence which it is destined to exercise on the future of the Spanish nation.

The situation created by the revolution of September, which so radically changed the political conditions of our country, might continue without inconvenience under a provisional form of government up to the time when the Cortes voted the monarchical constitution of the country. From that moment the interinuity was a danger, because it left without the powerful sanction of the facts the idea which had been revealed as the genuine aspiration of the Spanish nation. And if the Government had not the means of carrying it into effect, its enemies would naturally gather force, as the interinuity was favourable to them, by opening a field for every kind of senseless hopes. Thence arose a difficult situation which could only be escaped from by the constant efforts of the Government and the prudence of the immense majority of the Spaniards; and it is certainly an admirable exhibition which our country has given to the world in passing through a revolutionary period of two years in a state of tranquillity, of which, in analogous circumstances, no example is offered in the history of nations which consider themselves more advanced in the career of civilization. But public opinion both in Spain and abroad imperiously required the termination of that situation. At home it was vehemently desired to crown the work of the revolution, and abroad the friendly Governments of all the Powers repeatedly declared, as your Excellency will have had the opportunity of observing, their earnest wishes that the situation in our country should be definitively consolidated, and all fear of future complications thus removed.

Now, this is the happy result which the Government of Spain has the honour of bringing to their knowledge through your Excellency, and I have no doubt that it will cause the greatest satisfaction at the Court to which you are accredited.

The cordial relations which so happily subsist between the two States will, I flatter myself, continue on the same intimate footing as heretofore, seeing that the Spanish

Government will be animated by the same spirit and the same desire of preserving them. Up to the present time the Spanish Government has been able to satisfy public opinion and the exigencies of the nation in all that concerns its foreign relations.

If Prince Leopold eventually occupies the Spanish Throne through the vote of the Sovereign Cortes, he will be a Constitutional King with the most Democratic constitution of any that exist in countries which are governed by Liberal institutions; and his Government, like the present one, will continue to draw its inspirations from the public spirit, which will not change on account of the person who is coming to occupy the post of Supreme Magistrate being a foreigner.

He will be a Spaniard from the moment he ascends the Throne of San Fernando; and as such, and from an exclusively Spanish point of view, he will carry on and consolidate the work of the Revolution of September. This work consists principally in the political regeneration of the internal affairs of the nation, and the strictest neutrality in external matters, so that all its energy may be dedicated to the development of the moral and material interests of the country; and nothing will have sufficient power to change the present direction of the Spanish policy.

On this account the Government of his Highness, with perfect freedom of action in its efforts to bring about the solution of the Monarchical question which was required, has acted solely on its own account and treated directly with Prince Leopold, without for a moment counting upon, or even supposing that its dignity could permit it to count upon the slightest influence of a foreign Cabinet.

I call your special attention to this point, because it is of the greatest importance to establish the fact that the Government of the Regent has in this matter solely obeyed its own inspirations, and that the motive power which has guided its President in this transaction has not been derived from national interest abroad, much less from foreign interest. It was the President who took the initiative in the matter; and it was solely from his desire to accomplish the wishes of the nation, and carry out the charge which had been confided to him by the Regent and his colleagues, that he was induced to propose the candidature of the Throne of Spain to a Prince who was of age, completely master of his own actions, and who, from his relationship with the greater portion of the reigning Houses of Europe, but without being called upon to succeed to any throne, excluded all idea of hostility to any given Power.

On this account the candidature of Prince Leopold of Hohenzollern-Sigmaringen, which in no way affects the friendly relations of Spain with other Powers, neither can nor ought to affect their relations with each other.

Your Excellency will perfectly understand the views which have guided the Spanish Government in the adoption of the measure which it is about to lay before the Cortes for their approval; and you will act accordingly in all that concerns this matter whenever you have to treat about it in the discharge of your duties.

From your well-known zeal and ability I feel sure that you will be a faithful interpreter of the intentions and wishes of the Government of His Highness.

Will your Excellency be so good as to read and leave a copy of this despatch with his Excellency the Minister for Foreign Affairs?

(Signed)

PRAXEDES M. SAGASTA.

No. 25.

Lord Lyons to Earl Granville.—(Received July 11.)

(Extract.)

Paris, July 10, 1870.

I HAVE this morning had the honour to receive your Lordship's despatches, relative to the Hohenzollern question, of the 6th and 8th instant, and of yesterday.

I spoke this afternoon to the Duc de Gramont in the sense of the two first despatches of yesterday. I thanked his Excellency in your Lordship's name for the frankness of his communications to me, and for the friendly confidence he had shown in Her Majesty's Government. I observed that Her Majesty's Government hardly understood that the selection of a Prince of Hohenzollern for King of Spain was a matter of so much importance to a great nation like France as to warrant extreme measures. Making every allowance for the resentment which the secrecy with which this choice had been matured was calculated to arouse in France, still, I said, Her Majesty's Government trusted that the Government of the Emperor would act with moderation and forbearance in the further conduct of the discussion. They could not but regret the strong language used by the Government and the press in France. They were still more disquieted by the military

preparations which were in progress, and they could not but ask themselves whether in this state of things it would be judicious to persevere in efforts to bring about an amicable settlement. Her Majesty's Government had, M. de Gramont knew, used every endeavour to effect such a settlement, but they could not help fearing that the precipitation of the French Government might render all their exertions nugatory.

M. de Gramont said that in this matter the French Ministers were following, not leading, the nation. Public opinion would not admit of their doing less than they had done.

As regarded military preparations common prudence required that they should not be behindhand. In the midst of a profound calm, when the French Cabinet and Chamber were employed in reducing their military budget, Prussia exploded upon them this mine which she had prepared in secret. It was necessary that France should be at least as forward as Prussia in military preparations.

M. de Gramont went on to say that he would tell me exactly how the question now stood. The King of Prussia had told M. Benedetti last evening that he had in fact consented to the Prince of Hohenzollern's accepting the Crown of Spain; and that, having given his consent, it would be difficult for him now to withdraw it. His Majesty had added, however, that he would confer with the Prince, and would give a definitive answer to France when he had done so.

Thus, M. de Gramont observed, two things are clear; first, that the King of Prussia was a consenting party to the acceptance of the Crown by the Prince; and secondly, that the Prince's decision to persist in his acceptance, or to retire, will be made in concert with His Majesty. Thus then, said M. de Gramont, the affair is now, beyond all controversy, one between France and the King.

The French Government would, M. de Gramont went on to say, defer for a short time longer (for twenty-hours, for instance) those great ostensible preparations for war (such as calling out the reserves) which would inflame public feeling in France. All essential preparations must, however, be carried out unremittingly. The French Ministers would be unwise if they run any risk of allowing Prussia to gain time by dilatory pretexts.

Finally, M. de Gramont told me that I might report to your Lordship that if the Prince of Hohenzollern should now, on the advice of the King of Prussia, withdraw his acceptance of the Crown, the whole affair would be at an end.

M. de Gramont did not, however, conceal from me that if, on the other hand, the Prince, after his conference with the King, persisted in coming forward as a candidate for the Throne of Spain, France would forthwith declare war against Prussia.

I send a copy of this despatch, confidentially, to Her Majesty's Minister at Madrid this evening by the Queen's messenger Captain Bagge.

No. 26.

Mr. Lumley to Earl Granville.—(Received July 12.)

My Lord,

Brussels, July 11, 1870.

THE "France" and "La Patrie" both assert that the Court of Belgium is the only one which has given a favourable reception to the announcement of the Spanish Government of the choice of Prince Leopold of Hohenzollern as King of Spain. Baron d'Anethan told me yesterday that this statement was completely incorrect, and the "Moniteur" of this day contains an official denial in that sense, which I have the honour to inclose.

I have, &c.

(Signed) J. SAVILE LUMLEY.

Inclosure in No. 26.

Extract from the "Moniteur Belge" of July 11, 1870.

UNE agence télégraphique étrangère annonce que "le Gouvernement Belge a répondu favorablement à la notification que l'Espagne lui a faite de la candidature du Prince de Hohenzollern."

Cette allégation est de tous points inexacte. Le Gouvernement Belge n'avait à faire et n'a fait aucune réponse à la communication qu'il a reçue, comme les autres Gouvernements, du Cabinet de Madrid.

(Translation.)

A FOREIGN telegraphic agency announces that "the Belgian Government gave a favourable answer to the notification made to them by Spain of the candidature of the Prince of Hohenzollern."

This allegation is in every respect incorrect. The Belgian Government had no answer to make, and made none, to the communication which they, in common with other Governments, received from the Cabinet of Madrid.

No. 27.

Mr. Layard to Earl Granville.—(Received July 13.)

(Extract.)

Madrid, July 10, 1870.

I CONSIDERED that I had best fulfilled the spirit of the instructions contained in your Lordship's telegrams of the 7th instant, by representing to his Highness, in as strong terms as I felt myself justified in using, the great gravity of the situation in which the Spanish Government were placed, the anxiety felt by Her Majesty's Government on the subject, and your Lordship's earnest desire that some means should be found consistent with the dignity of Spain, to abandon the intention of proposing the election of the Prince of Hohenzollern to the Throne, which had caused so much offence to France, and might even lead to war.

In communicating with General Prim and with Señor Sagasta, I have done my best to obey your Lordship's instructions not to use any pressure that might offend the Spanish Government; at the same time I have not concealed from them the uneasiness of Her Majesty's Government, and their desire that the Spanish Government should find some means of abandoning the Hohenzollern project. The representations I have made have been received in a friendly spirit, and have not, I have every reason to believe, caused any feeling of offence.

No. 28.

Lord Lyons to Earl Granville.—(Received July 13.)

(Extract.)

Paris, July 12, 1870.

I HAD late last night the honour to receive your Lordship's telegram dated the 10th instant, 6.45 P.M., by which you informed me that you had mentioned generally to the Marquis de Lavalette, the nature of the intelligence you had received from Her Majesty's Minister at Madrid, and had pointed out to his Excellency that this intelligence strengthened the necessity that the French Government should abstain from precipitate and irrevocable steps.

I spoke this afternoon in the same sense to the Duc de Gramont. I observed to him that the information which came from Spain and other quarters certainly gave good reason to hope that peaceful means would be found for putting an end, once for all, to the candidature of the Prince of Hohenzollern; and I urged that this being the case it would be lamentable that France should rush into a war, the cause for which might be removed by a little patience.

M. de Gramont said that the French Ministers were already violently reproached by the Deputies and the public with tardiness and want of spirit. Any further delay would seriously damage their position; and there were military considerations much more important which counselled immediate action. The Government had, nevertheless, determined to make a further sacrifice to the cause of peace. No answer had yet reached

them from the King of Prussia. They would wait another day for one. He was about to go down to the Corps Législatif to announce that the Government were still waiting for the answer on which their determination would depend. The announcement would cause universal disappointment, and the Ministry would become one of the most unpopular that had ever been seen in France.

I observed to M. de Gramont that the unpopularity would be of very short duration, and that the best title which the Ministry could have to public esteem would be to obtain a settlement of the question to the honour and advantage of France without bloodshed.

It is quite true that the nation is extremely impatient, and as time goes on the war party becomes more exacting. It has, in fact, already raised a cry that the settlement of the Hohenzollern question will not be sufficient, and that France must demand satisfaction on the subject of the Treaty of Prague.

No. 29.

Lord Lyons to Earl Granville.—(Received July 13.)

My Lord,

Paris, July 12, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the authentic report of the statement respecting the Hohenzollern question made yesterday in the Corps Législatif by the Duc de Gramont, and of the question put to his Excellency by M. Emmanuel Arago.

I have, &c.

(Signed) LYONS.

Inclosure in No. 29.

Extract from the "Journal Officiel" of July 12, 1870.

LA parole est à M. le Ministre des Affaires Etrangères. (Mouvement général d'attention.)

Son Excellence M. le Duc de Gramont, Ministre des Affaires Etrangères.—Messieurs, le Gouvernement comprend l'impatience de la Chambre et du pays. Il partage ses préoccupations, mais il lui est impossible de porter à sa connaissance un résultat définitif. Il attend la réponse dont dépendent ses résolutions. (Mouvements divers.)

M. Emmanuel Arago.—Je demande la parole.

M. le Ministre.—Tous les Cabinets auxquels nous nous sommes adressés paraissent admettre la légitimité de nos griefs. J'espère être très-prochainement en mesure d'éclairer la Chambre; mais aujourd'hui, je fais appel à son patriotisme et au sens politique de chacun de ses membres pour les prier de se contenter, pour le moment, de ces informations incomplètes. (Vives et nombreuses marques d'approbation.)

M. le Président Schneider.—L'incident est clos.

M. Monier de la Sizeranne, appelé dans son département—

M. Emmanuel Arago.—J'avais demandé la parole. (Exclamations.)

M. le Président Schneider.—L'incident est clos (Oui, oui), et je vous prierai de vouloir bien ajourner ce que vous avez à dire. (Oui, oui!—Très-bien, très-bien!)

M. Emmanuel Arago.—J'ai une question à adresser à M. le Ministre des Affaires Etrangères.

M. le Ministre des Affaires Etrangères.—Vous ne m'avez pas prévenu.

M. Emmanuel Arago.—Très-désireux, aussi désireux que personne d'une solution qui assurerait la paix Européenne, je demande à M. le Ministre des Affaires Etrangères si les questions adressées à la Prusse n'ont trait qu'à l'incident spécial (Bruyantes exclamations), qu'à l'offre faite par M. le Maréchal Prim à ce Prince Prussien, qu'à l'acceptation éventuelle de la couronne d'Espagne par le Prince Léopold de Hohenzollern.

S'il en est ainsi, je crois que l'on doit espérer une réponse satisfaisante, une assurance de paix (Rumeurs); mais si les questions sont complexes et de nature à soulever d'autres discussions que l'incident Hohenzollern, nous serions malheureusement obligés de les considérer comme offrant d'autres prétextes à une déclaration de guerre. (Vives protestations sur un très-grand nombre de bancs—interruptions diverses.)

M. Belmontet.—On voit bien que vous avez été Ambassadeur à Berlin. (Bruit.)

M. Guyot-Montpayroux.—Ce ne sont pas des prétextes; ce sont des causes légitimes, et trop légitimes.

M. le Ministre des Affaires Etrangères se lève pour parler.

Sur un grand nombre de bancs.—Non ! non ! ne répondez pas !

M. le Président Schneider.—L'incident est clos.

M. Emmanuel Arago.—On tirera du silence de *M. le Ministre* telle conséquence que de raison. (Vives rumeurs.)

(Translation.)

THE Minister for Foreign Affairs is in possession of the House. (General movement of attention.)

His Excellency the Duc de Gramont, Minister for Foreign Affairs.—Gentlemen, the Government understands the impatience of the Chamber and the country. It shares their preoccupations, but it is impossible for it to communicate a definitive result. It awaits the answer on which its resolutions depend. (Various movements.)

M. Emmanuel Arago.—I ask to be heard.

The Minister.—All the Cabinets we have addressed appear to admit the legitimacy of our grievances. I hope to be very shortly in a position to enlighten the Chamber, but to-day I appeal to its patriotism, and the political intelligence of each of its Members to be contented for the moment with this incomplete information. (Loud and numerous marks of approbation.)

The President Schneider.—The question is closed.

M. Monier de la Sizeranne called in his department—

M. Emmanuel Arago.—I had asked to be heard. (Exclamations.)

The President Schneider.—The question is closed—(Yes, yes)—and I must beg you to postpone what you have to say. (Yes, yes.—Very good, very good.)

M. Emmanuel Arago.—I have a question to address to the Minister for Foreign Affairs.

The Minister for Foreign Affairs.—You have not given me notice.

M. Emmanuel Arago.—Being very desirous—as desirous as any one—of a solution that may secure the peace of Europe, I ask the Minister for Foreign Affairs if the questions addressed to Prussia relate only to the special incident—(loud exclamations)—only to the offer made by Marshal Prim to this Prussian Prince; only to the eventual acceptance of the Crown of Spain by Prince Leopold of Hohenzollern ?

If it is so, I think we may expect a satisfactory reply, an assurance of peace (noise); but if the questions are complex and of a nature to raise other discussions than the Hohenzollern question, we should unfortunately be obliged to consider them as offering other pretexts for a declaration of war. (Loud protests on a great number of benches, and various interruptions.)

M. Belmontet.—It is easy to see that you have been Ambassador at Berlin. (Noise.)

M. Guyot-Montpayroux.—They are not pretexts; they are legitimate causes,—too legitimate.

The Minister for Foreign Affairs rises to speak. (From a great number of benches)—No ! no ! don't answer.

The President Schneider.—The question is closed.

M. Emmanuel Arago.—Inferences will be naturally drawn from the Minister's silence. (Loud noise.)

No. 30.

Lord Lyons to Earl Granville.—(Received July 13.)

(Extract.)

Paris, July 12, 1870.

I HAVE only time to report briefly to your Lordship what passed at an interview with the Duc de Gramont from which I have just returned.

The Duke said that the answer of the King of Prussia was neither courteous nor satisfactory. His Majesty disclaimed all connection with the offer of the Crown of Spain to the Prince Leopold of Hohenzollern, and declined to advise the Prince to withdraw his acceptance. On the other hand, Prince Leopold's father had formally announced in the name of his son that the acceptance was withdrawn. In fact the Prince had sent a copy of a telegram which he had dispatched to Marshal Prim declaring that his son's candidature was at an end.

M. de Gramont said that this state of things was very embarrassing to the French Government. On the one hand, public opinion was so much excited in France that it was

doubtful whether the Ministry would not be overthrown if it went down to the Chamber to-morrow and announced that it regarded the affair as finished without having obtained some more complete satisfaction from Prussia. On the other hand, the renunciation of the Crown by Prince Leopold put an end to the original cause of the dispute. The most satisfactory part of the affair was, M. de Gramont said, that Spain was at all events now quite clear of the dispute. The quarrel, if quarrel there was, was confined to France and Prussia.

I did not conceal from M. de Gramont my surprise and regret that the French Government should hesitate for a moment to accept the renunciation of the Prince as a settlement of the affair. I reminded him pointedly of the assurance which he had formally authorized me to give to Her Majesty's Government, that if the Prince withdrew his candidature the affair would be at an end. I urged as strongly as I could all the reasons which would render a withdrawal on his part from this assurance painful and disquieting to Her Majesty's Government.

I pointed out, moreover, that the renunciation wholly changed the position of France. If war took place now, all Europe would say that it was the fault of France; that France rushed into it without any substantial cause—merely from pride and resentment. One of the advantages of the former position of France was that the quarrel rested on a cause, in which the feelings of Germany were very little concerned, and German interests not at all. Now Prussia might well expect to rally all Germany to resist an attack which could be attributed to no other motives than ill-will and jealousy on the part of France, and a passionate desire to humiliate her neighbour. In fact, I said, France would have public opinion throughout the world against her, and her antagonist would have all the advantage of being manifestly forced into the war in self-defence to repel an attack. If there should at the first moment be some disappointment felt here in the Chamber and in the country, I could not but think that the Ministry would in a very short time stand better with both, if it contented itself with the diplomatic triumph it had achieved, and abstained from plunging the country into war, for which there was certainly no avowable motive.

After some discussion M. de Gramont said a final resolution must be come to at a Council which would be held in presence of the Emperor to-morrow, and the result must be announced to the Chamber immediately afterwards. By 3 o'clock to-morrow, then, the public would know what course France would take. He should not, he said, be able to see me between the Council and his appearance in the Chamber, but he would assure me that due weight should be given to the opinion I had given on behalf of Her Majesty's Government.

No. 31.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 13, 1870.

I HAVE received your Excellency's despatch of the 10th instant, and I have to convey to you my approval of the arguments which you have used in your conversation with the Duc de Gramont, with a view to dissuade the French Government from precipitating a war with Prussia, and to induce them to seek a pacific solution of the present question respecting the succession to the Spanish Crown.

I am, &c.

(Signed) GRANVILLE.

No. 32.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 13, 1870.

I HAVE received your Excellency's despatch of the 12th instant, reporting your conversation with the Duc de Gramont, in which his Excellency expressed to you the dissatisfaction felt by the Imperial Government at the answer of the King of Prussia in regard to the withdrawal of the candidature of Prince Leopold of Hohenzollern; and I entirely approve the language held by your Excellency to the French Foreign Minister upon this occasion.

I am, &c.

(Signed) * GRANVILLE.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 13, 1870.

HER Majesty's Government learned with great concern, by your telegram of yesterday evening, which I received at midnight, that notwithstanding the renunciation of the Spanish Throne made on behalf of his son by the Prince of Hohenzollern, which the French Government admitted to dispose of any question between France and Spain, the Duc de Gramont intimated to you that the French Government continued to be dissatisfied with the communications which they had received from the King of Prussia, and held over for further deliberation this day the course they would take under the circumstances.

Your Excellency very properly immediately urged that the renunciation should be held to put an end at once to the dispute with Prussia as well as to that with Spain; but I thought it my duty at once to request you, by telegraph, to renew your representation before the French Council, summoned for to-day, assembled, and to remind the Duc de Gramont that the Imperial Government had, at the outset of the business, requested Her Majesty's Government to exert their influence to prevent the serious consequences which it was apprehended might ensue.

The Imperial Minister alluded in public to this fact, and I am sure would acknowledge that it was impossible that their efforts could have been more promptly or more energetically employed.

Under these circumstances Her Majesty's Government, I informed your Excellency, felt bound to impress upon the Government of the Emperor the immense responsibility that would rest on France if she should seek to enlarge the grounds of quarrel by declining to accept the withdrawal by Prince Leopold of Hohenzollern of his candidature, as a satisfactory solution of the question.

I am, &c.
(Signed) GRANVILLE.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 13, 1870.

IN the authentic Report of the statement respecting the Hohenzollern question made in the Corps Législatif by the Duc de Gramont on the 11th instant, inclosed in your despatch of yesterday,* his Excellency is represented to have said that all the Cabinets to which the French Government had applied appeared to admit that the grievances complained of by France were legitimate.

While making every allowance for the generality of statements made in debate, I nevertheless think it right to observe, though without wishing to raise any formal question with his Excellency, that the Duc de Gramont's statement, in the terms in which it is reported, is not applicable to Her Majesty's Government. No such general admission has been made by me in writing to your Excellency or in conversing with M. de Lavalette; and I have no doubt that a reference to M. de Lavalette's Reports to his Government will bear me out in what I say.

I have expressed regret at an occurrence which had, at all events, given rise to great excitement in the Imperial Government and French nation; but I have carefully abstained from admitting that the cause was sufficient to warrant the intentions which had been announced: while I have at the same time deprecated precipitate action, and recommended that no means should be left untried by which any interruption of the general peace could be averted.

I am, &c.
(Signed) GRANVILLE.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 13, 1870.

I HAD a conversation this morning with the French Ambassador, to whom I communicated the substance of my telegram to your Excellency of this morning. His Excellency said that if it was correct that his Government had only asked for intervention on one point, it must be remembered that the principal person concerned, Prince Leopold, was not forthcoming. His father only appeared on the scene, and answered for him. Would the son ratify the refusal of the father? Might he not feel himself at liberty to resume what his father had given up? His absence was incomprehensible. Does it not explain the hesitation of the Emperor's Government, of which, however, he had no official knowledge, and only knew through what I have told him.

What would be the French position, M. de Lavalette went on to say, if, after accepting this assurance as satisfactory, they were to hear that Prince Leopold had gone to Spain, as he cannot be found in Germany?

I replied that I was always of opinion that the French Government had exaggerated the danger which the candidature of Prince Leopold for the Throne of Spain could cause to so powerful a nation as that of France; that all the information that I had received from Spain tended to destroy the probability of the choice of Prince Leopold having been prompted by a hostile feeling there towards France, but that I equally admitted the existence of a strong national resentment in France, which it might be difficult for the Emperor and his advisers not to join in.

In consequence of the urgent request that M. de Lavalette had made, I had immediately, continuously, and energetically pressed the Governments of Prussia and of Spain to find a solution of the question. There was none so full and so satisfactory as the withdrawal by Prince Leopold of his candidature. If it was argued that he would not have accepted without the assent of the King of Prussia, the converse argument must hold good, that he could not retract his consent without the same authority.

As to the fact of its being the father, not the son, who had made the declaration that the latter withdrew from the candidature, the most probable explanation of this (for which, however, I would not vouch) is that it was felt that any concession which might be made would come with much more dignity and efficiency if made at once.

I earnestly entreated M. de Lavalette to represent to his Government that Her Majesty's Government thought, after their exertions at the request of France, they had a right to urge on the Imperial Government not to take the great responsibility of quarrelling about forms, when they had obtained the full substance of what they had desired, and which M. de Gramont had told your Excellency, if obtained, would put an end to everything.

All the nations of Europe had now declared their ardent wish that peace should be maintained between Prussia and France; and Her Majesty's Government believe that the Imperial Government will not give the slightest pretence to those who might endeavour to show that France was desirous of going to war without an absolute necessity.

I am, &c.

(Signed) GRANVILLE.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 13, 1870.

HER Majesty's Government have been greatly disappointed by the report which you have conveyed to them, by telegraph, of M. de Gramont's language in the Corps Législatif this afternoon.

They had hoped that, after the withdrawal of Prince Leopold from the candidature for the Spanish Throne, the Imperial Government would have felt that their honour and their interests were safeguarded, and that they would have readily accepted the solution which M. de Gramont had told your Excellency would close the matter, and which may be accepted as having shown the desire of the King of Prussia to maintain peaceable relations with France.

I am, &c.

(Signed) GRANVILLE.

No. 37.

Vice-Admiral Harris to Earl Granville.—(Received July 13.)

My Lord,

The Hague, July 11, 1870.

SEÑOR ASQUERINO, the Spanish Envoy accredited to the Courts of Brussels and the Hague, arrived here the day before yesterday from Brussels.

The Minister for Foreign Affairs informed me this morning that Señor Asquerino had been instructed by his Government to make known to him that they had entered into negotiations with Prince Leopold Hohenzollern of Sigmaringen, with a view to his election to the Sovereignty of Spain, that a proposal to that effect would shortly be made to the Cortes, and that the result would be communicated to the Dutch Government.

M. Roest van Limburg remarked that the choice appeared to be very unacceptable to the French Government.

Señor Asquerino replied that, however that might be regretted, so many obstacles had been opposed to proposals of a similar kind on previous occasions, that his Government felt themselves obliged to adopt the course they had pursued.

I confined myself to expressing an earnest wish that war might be averted.

I have, &c.

(Signed) E. A. J. HARRIS.

No. 38.

Mr. Layard to Earl Granville.—(Received July 14.)

My Lord,

Madrid, July 11, 1870.

MY Italian colleague informs me that he has received instructions from his Government to urge upon the Spanish Ministers to the utmost of his power to avoid bringing on a rupture with France, and to come to some arrangement by which the candidature of the Prince of Hohenzollern may be withdrawn. Signor Cerruti informs me that he has seen Señor Sagasta, and that he found the best disposition on the part of his Excellency to accept the advice of the Powers friendly to Spain, and to avoid all cause of offence to France, but unfortunately, owing to the course which, his Excellency said, had been taken by the French Government, it was difficult to know how to act. If they had only time before them, some satisfactory arrangement could, he was persuaded, be arrived at. I have since seen Señor Sagasta, who entirely confirmed what Signor Cerruti had stated to me, and assured me that the last thing which Spain could desire, or which could serve her interests, would be a rupture with France. His Excellency was very indignant at the statements in the French press with regard to the alleged motives of General Prim, and of the Spanish Ministry, in choosing the Prince of Hohenzollern as a candidate for the Throne; and he begged me to inform your Lordship without delay, on the part of the Spanish Government, that they most emphatically denied having had any intention whatever of entering into an alliance with Prussia, or of adopting the policy of Count Bismarck, or of offending France, when they decided upon proposing the Prince to the Cortes.

On Saturday night General Prim, having been invited to attend a meeting of the Liberal party, which was very numerously attended, made a speech of much tact and moderation, which has produced a very favourable effect upon the public mind. Indeed, on all sides there appears to be an earnest desire of pursuing a conciliatory course with regard to France; and although some of the papers resent in rather warm terms the menacing language of the French Chambers and press, on the whole the general tone of the Spanish press is, under the circumstances, singularly moderate.

I have, &c.

(Signed) A. H. LAYARD.

Lord Lyons to Earl Granville.—(Received July 14.)

My Lord,

Paris, July 13, 1870.

YOUR Lordship's telegram dated at 2.30 A.M. to-day reached me at Paris at half-past 9 o'clock this morning.

The Council of Ministers assembled at St. Cloud at 9 o'clock. It was impossible, therefore, for me to execute literally your Lordship's instruction to see the Duc de Gramont before the Council, and renew, in the name of Her Majesty's Government, the earnest recommendation to accept the Prince of Hohenzollern's renunciation to the Throne of Spain as a satisfactory settlement of the whole question.

I embodied, however, the substance of your Lordship's telegram, as fast as possible, in a letter, which I sent to St. Cloud by one of the Secretaries of the Embassy, and which was put into M. de Gramont's hand at the table at which he and the other Ministers were still sitting in Council in the presence of the Emperor.

I have, &c.
(Signed) LYONS.

Inclosure in No. 39.

Lord Lyons to the Duc de Gramont.

M. le Ministre,

Paris, July 13, 1870.

WITH reference to our conversation last evening, I think it right not to lose a moment in making your Excellency acquainted with the substance of a telegram which I have just received from Lord Granville.

His Lordship desires me to represent to the Government of the Emperor the immense responsibility it will incur if it enlarges the ground of quarrel, and does not at once declare itself satisfied with the renunciation of the Prince of Hohenzollern.

Lord Granville desires me to remind you that, at the very beginning of the affair, France asked Her Majesty's Government to exert their influence, and that they did so at once, to attain the immediate object—the withdrawal of the candidature of the Prince of Hohenzollern. Her Majesty's Government gave the aid that was asked of them in the promptest and most energetic manner, and allusion was made to this in public by the French Minister. Lord Granville considers, therefore, that Her Majesty's Government is justified, nay bound, to urge the Government of the Emperor, in the most friendly and, at the same time, most pressing manner, to accept the renunciation of the Prince as a satisfactory settlement.

I have, &c.
(Signed) LYONS.

No. 40.

Lord Lyons to Earl Granville.—(Received July 14.)

My Lord,

Paris, July 13, 1870.

YOUR Lordship will have learnt, from a telegram which I sent you at 3 o'clock this afternoon, that the Duc de Gramont has just announced to the Corps Législatif that he has been officially informed by the Spanish Ambassador that Prince Leopold of Hohenzollern had withdrawn his candidature from the Throne of Spain. Your Lordship will, moreover, have been informed by the same telegram that M. de Gramont added that the negotiations with Prussia not being concluded, he was not in a position to give the Chamber any intelligence respecting them.

M. de Gramont was pressed to be more explicit, but he resolutely declined to go beyond what he had said.

Baron Jerome David, a member of the Extreme Right party, called upon M. de Gramont to declare whether the renunciation came from Prince Leopold himself or from his father. On M. de Gramont's refusing to answer, Baron Jerome David declared that he was well entitled to put the question, because M. Emile Ollivier had yesterday

shown the telegram received from Prince Anthony of Hohenzollern by the Spanish Ambassador, to Deputies and others in the lobby of the Chamber.

M. de Gramont replied that he had nothing to do with what passed in the lobby.

M. Clement Duvernois, also a member of the Right party, who had announced an interpellation, requested the Government to fix a day for the discussion of it.

Baron Jerome David gave notice of an interpellation, to be prefaced by a declaration that the present tardiness and weakness of the Government were in flagrant contradiction to the patriotic declaration made by the Minister for Foreign Affairs on the 6th instant.

M. de Gramont, after repudiating Baron Jerome David's preface, proposed that the day after to-morrow (Friday the 15th) should be fixed for the discussion of both interpellations. To this proposal the Chamber, after some agitation, assented, by a large majority.

There was no very violent manifestation of opinion in the Chamber, but the appearance certainly was that the war party were in the ascendant.

I have, &c.
(Signed) LYONS.

No. 41.

Lord Lyons to Earl Granville.—(Received July 14.)

My Lord,

Paris, July 13, 1870.

SINCE I wrote my preceding despatches of to-day I have had an interview with the Duc de Gramont.

I expressed my surprise and regret that his declaration to the Chamber had not consisted of a simple announcement that the whole question with Prussia, as well as with Spain, was at an end.

M. de Gramont said he would explain to me in a few words the position taken up by the Government of the Emperor.

The Spanish Ambassador had formally announced to him that the candidature of Prince Leopold had been withdrawn. This put an end to all question with Spain. Spain was no longer a party concerned. But from Prussia France had obtained nothing, literally nothing.

M. de Gramont here read to me a telegram from General Fleury, who stated that the Emperor Alexander had written to the King of Prussia to beg him to order the Prince of Hohenzollern to withdraw his acceptance of the Crown, and had, moreover, expressed himself in most friendly terms to France, and manifested a most earnest desire to avert a war.

The King of Prussia had, M. de Gramont went on to say, refused to comply with this request from his Imperial nephew. The King had not given a word of explanation to France.

His Majesty had, he repeated, done nothing, absolutely nothing. France would not take offence at this. She would not call upon His Majesty to make her any amends. The King had authorized the Prince of Hohenzollern to accept the Crown of Spain; all that France now asked was that His Majesty would forbid the Prince to alter at any future time his decision to withdraw that acceptance. Surely it was but reasonable that France should take some precautions against a repetition of what had occurred when Prince Leopold's brother went off to Bucharest. It was not to be supposed that France would run the risk of Prince Leopold suddenly presenting himself in Spain, and appealing to the chivalry of the Spanish people. Still France did not call upon Prussia to prevent the Prince's going to Spain; all she desired was that the King should forbid him to change his present resolution to withdraw his candidature. If His Majesty would do this the whole affair would be absolutely and entirely at an end.

I asked him whether he authorised me categorically to state to Her Majesty's Government, in the name of the Government of the Emperor, that, in this case, the whole affair would be completely over.

He said, Undoubtedly; and he took a sheet of paper and wrote the following memorandum, which he placed in my hands:—

“Nous demandons au Roi de Prusse de défendre au Prince de Hohenzollern de revenir sur sa résolution. S'il le fait tout l'incident est terminé.”

I observed to M. de Gramont that I could hardly conceive that the French Govern-

ment could really apprehend that after all that had occurred Prince Leopold would again offer himself as a candidate, or be accepted by the Spanish Government if he did.

M. de Gramont said that he was bound to take precautions against such an occurrence, and that if the King refused to issue the simple prohibition which was proposed, France could only suppose that designs hostile to her were entertained, and must take her measures accordingly.

Finally, M. de Gramont asked me whether France could count upon the good offices of England to help her in obtaining from the King this prohibition.

I said that nothing could exceed the desire of Her Majesty's Government to effect a reconciliation between France and Prussia, but that, of course, I could not take upon myself to answer offhand, without reference to Her Majesty's Government, a specific question of this kind.

I promised to report immediately to your Lordship all he had said.

The matter is the more urgent as M. de Gramont has engaged to give explanations to the Chambers the day after to-morrow.

I have, &c.
(Signed) LYONS.

No. 42.

Lord Lyons to Earl Granville.—(Received July 14.)

My Lord,

Paris, July 13, 1870.

THE Duc de Gramont said he had received a most extraordinary telegram from Stuttgart. He hesitated, he told me, to give any credence to it; but still he would not deny that it had disquieted him. It was stated in it that the Wurtemberg Government had been informed that your Lordship had stated that France would attack Prussia immediately by sea and by land, without a previous declaration of war, if she received a refusal to her demands. The information was represented, if I recollect right, to have been sent to the Wurtemberg Government by the Prussian Government, or at all events from Berlin.

I told M. de Gramont that I was quite ready to contradict the statement on its own inherent improbability. Besides which, I said, your Lordship was good enough to communicate to me, hour by hour, the telegrams you sent and received respecting this unfortunate Hohenzolien question, and certainly there was nothing in any of them the least resembling this strange assertion. Nevertheless I said, as he wished me to call your Lordship's attention to the matter, I would do so at once.

M. de Gramont proceeded to write down for me the substance of the assertion, in the following terms:—

“Le Cabinet de Stuttgart serait informé que Lord Granville aurait dit que la France attaquerait la Prusse par terre et par mer sans déclaration de guerre préalable, aussitôt qu'elle aura une réponse négative.”

I have, &c.
(Signed) LYONS.

No. 43.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 14, 1870.

I RECEIVED, this morning, your Excellency's despatch of the 13th instant, stating that you had been informed by the Duc de Gramont that he had received a telegram from Stuttgart, in which it was said that “the Cabinet of Stuttgart had been informed that Lord Granville had said that France would attack Prussia by land and by sea without a previous declaration of war, as soon as she shall have received a negative answer.”

Your Excellency very properly at once stated to the Duc de Gramont that you were quite ready to contradict the statement on its own inherent improbability; but I nevertheless at once telegraphed to you, and I now repeat in a despatch, that I never said anything

of the kind, and that you are authorized to contradict the statement in the most peremptory manner.

I have sent a similar contradiction to Lord Augustus Loftus and Mr. Gordon.

I have, &c.

(Signed) GRANVILLE.

No. 44.

Earl Granville to Lord Lyons.

Foreign Office, July 14, 1870.

YOUR conversation with the Duc de Gramont, of which your Excellency gives a report in your despatch of the 13th instant,* has caused Her Majesty's Government much anxiety. The Duc de Gramont, it appears, in the course of it, after an inquiry on your Excellency's part whether, if the King of Prussia should forbid Prince Leopold of Hohenzollern to change his present resolution to withdraw his candidature, the whole affair would be completely over, placed in your Excellency's hands a memorandum in these words: "Nous demandons au Roi de Prusse de défendre au Prince de Hohenzollern de revenir sur sa résolution. S'il le fait tout l'incident est terminé."

The Duc de Gramont, it appears, proceeded to ask your Excellency whether France could count upon the good offices of England to help her in obtaining from the King this prohibition.

Her Majesty's Government entirely approve the caution you showed in declining to answer this question without reference home, and generally the language which you held in this conversation.

I have already informed your Excellency by telegraph, and I now repeat, that, in the view of Her Majesty's Government, a demand on Prussia for an engagement covering the future cannot be justly made by France. Nevertheless, and although, in the opinion of Her Majesty's Government, France having obtained the substance of what she required, ought not in any case to insist to extremities upon the form in which it was obtained, they have at once and urgently recommended to the King of Prussia that, if the French demand is waived, he should communicate to France his consent to the renunciation of Prince Leopold.

This recommendation has been placed before the King, on behalf of Her Majesty's Government, in the following terms, namely, that as His Majesty had consented to the acceptance by Prince Leopold of the Spanish Crown, and had thereby, in a certain sense, become a party to the arrangement, so he might with perfect dignity communicate to the French Government his consent to the withdrawal of the acceptance, if France shall waive her demand for an engagement covering the future. Such a communication, Her Majesty's Government have said, made at the suggestion of a friendly Power, would be a further and the strongest proof of the King's desire for the maintenance of the peace of Europe.

I am, &c.

(Signed) GRANVILLE.

No. 45.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 14, 1870.

I HAVE received your Excellency's despatch of the 13th instant, and I entirely approve of the course you pursued in embodying in a letter, and in communicating to the Duc de Gramont, in Council, the purport of my telegram to your Excellency dated at 2:30 A.M. on the 13th instant.

I am, &c.

(Signed) GRANVILLE.

No. 46.

Mr. Bonar to Earl Granville.—(Received July 14.)

My Lord,

Berne, July 9, 1870.

IN an interview which I had this morning with the President of the Confederation, our conversation naturally turned upon the extreme agitation which has been manifested at Paris on the subject of the candidature of the Prince of Hohenzollern to the Throne of Spain, and the recent declarations of the Duc de Gramont and M. Ollivier in the French Chambers.

The language of M. Dubs showed that he was fully impressed with the gravity of the present aspect of affairs ; but his Excellency admitted that he had not yet received from the Swiss Minister at Paris any intelligence beyond what may be gathered from the public journals of the views of the Government, or of the general feeling in France.

I have, &c.

(Signed) A. G. G. BONAR.

No. 47.

Sir A. Paget to Earl Granville.—(Received July 15.)

My Lord,

Florence, July 9, 1870.

I SAW M. Visconti Venosta this morning, and the conversation immediately turned to the serious aspect of affairs between France and Prussia, produced by Prince Hohenzollern's acceptance of the Spanish Crown.

M. Visconti Venosta said that he had not a doubt that if the choice of the Spanish Ministry should be ratified by the Cortes, France would make war on Prussia. The knot of the question he therefore considered to be at Madrid.

His Excellency then informed me of the communication which he had received from the Spanish and French Ministers.

The former came to him two or three days ago to announce that at a Council of Ministers, presided by the Regent, it had been decided to offer the Crown of Spain to Prince Leopold of Hohenzollern, and that the Prince had accepted. The only object of the Spanish Ministry in adopting this candidature, M. de Mortemar was instructed to say, was to settle definitively the future Constitution of Spain upon a Monarchical basis.

M. Visconti Venosta's reply was that the policy of the Italian Government had been always based on the principle of respect for the national rights and will of the Spanish people in regard to the choice of their Sovereign, and such it would continue to be ; but at the same time he could not be of opinion that the interests of Spain would be benefited by a solution which might possibly lead to a war in Europe, the results of which war it was impossible for any one to foresee, even as regards the future destinies of Spain itself.

The French Minister called upon M. Visconti Venosta yesterday, and, after having communicated the views of the Imperial Cabinet in regard to the adoption of Prince Hohenzollern, engaged his Excellency to use his influence at Madrid to induce the Spanish Government to desist from this candidature ("détourner le Gouvernement Espagnol de cette candidature").

M. Visconti Venosta replied to Baron de Malaret that the influence and advice of the Italian Government was acquired beforehand ("acquis d'avance") in the interests of peace and he promised to write, but did telegraph, immediately to the Italian Minister at Madrid.

The instructions which his Excellency sent to M. Cerruti were that he was to avoid anything which could have even the appearance of a desire to interfere with the distinct and recognized rights of the Spanish people to dispose of the vacant Throne in any way they might think advisable ; but that the Spanish people had not yet been consulted, and he was, consequently, to take advantage of the time intervening before the meeting of the Cortes to point out, in his conversations both with Members of the Government and with men of weight and influence in the above-named Assembly, how much it was to be desired, in the interests of Spain, that the advent of the new Sovereign should not be the cause of a war in Europe, and M. Cerruti was also told to say that the Italian Government would be always ready to combine with other Governments to assist the Spanish Government in

the solution of the embarrassment in which they might be placed in regard to the future constitutional organization of their country should they forego the candidature of Prince Hohenzollern.

I asked M. Visconti Venosta if he had sent any instructions to Berlin. His Excellency replied that he had not.

I have, &c.
(Signed) A. PAGET.

No. 48.

Sir A. Paget to Earl Granville.—(Received July 15.)

My Lord,

Florence, July 12, 1870.

I HAVE the honour to inform your Lordship that in yesterday's sitting of the Chamber of Deputies two interpellations were addressed to the Minister for Foreign Affairs respecting the Spanish and Roman questions.

Signor Visconti Venosta replied that, as regards the candidature of Prince Hohenzollern, the Italian Government had thought it its duty to use its good offices with the Powers most interested in the question, in order to prevent the disturbance of the peace of Europe. More than this he could not say in the present state of the negotiations.

As to Rome, his Excellency said, that he could only repeat what he had already stated in that Chamber, viz., that the Government considered that an expectant policy best comported with the dignity and interests of the Italian nation, that things cannot always remain in their present position; and that he hoped the Chamber would leave the Government that freedom of action which was so necessary in treating a question for the solution of which the Government were entirely responsible.

I have, &c.
(Signed) A. PAGET.

No. 49.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, July 15, 1870.

BY my telegram of yesterday, dated 3 P.M., your Excellency will have learnt that, in a memorandum which has been placed in the hands of the North German Ambassador, with the view to its being communicated to the King of Prussia, Her Majesty's Government recommended to Prussia that, as the King had consented to the acceptance by Prince Leopold of Throne of Spain, and had thereby in a certain sense become a party to the arrangement. His Majesty might, with perfect dignity, communicate to the French Government his consent to the withdrawal of that acceptance, in the event of France waiving her demand for an engagement, on the part of Prussia, covering the future.

Count Bernstorff called upon me this morning and informed me that he had received a telegram from Count Bismarck, in which he expressed his regret that Her Majesty's Government should have made a proposal which it would be impossible for him to recommend to the King for His Majesty's acceptance.

Prussia had shown, under a public menace from France, a calmness and moderation which would render any further concession on her part equivalent to a submission to the arbitrary will of France, and would be viewed in the light of a humiliation, which the national feeling throughout Germany would certainly repudiate as a fresh insult.

Public opinion in Germany proves that under the influence of the menaces of France, the whole of Germany had arrived at the conclusion that war, even under the most difficult circumstances, would be preferable to the submission of the King to the unjustifiable demands of France.

The Prussian Government, as such, has nothing to do with the acceptance of the candidature of Prince Leopold of Hohenzollern, and had not even been cognizant of it. They could not, therefore, balance their assent to such acceptance by their assent to its withdrawal.

A demand for interference on the part of a Sovereign in a matter of purely private character could not, his Excellency considered, be made the subject of public commu-

nication between Governments, and that as the original pretext for such a demand was to be found in the candidature itself, it could no longer be necessary now that the candidature had been renounced.

I am, &c.
(Signed) GRANVILLE.

No. 50.

Lord A. Loftus to Earl Granville.—(Received July 15.)

(Extract.)

Berlin, July 12, 1870.

AT my interview with Baron Thile this day, his Excellency informed me that Count Bismarck would arrive here this evening, and would continue his journey to Ems. Baron Werther, I am told, left Ems last evening for Paris, but was not the bearer of the King of Prussia's answer.

Count Benedetti will await at Ems Count Bismarck's arrival, when the final answer of the King will be given.

Baron Thile then informed me that most satisfactory intelligence had been received from the South German States, that Count Bray had told the French Minister that if war were to take place France would find Germany united, and that similar assurances had been given by Wurtemberg.

In referring to the probability of war, which he (Baron Thile) expected from day to day, his Excellency said that the Federal Parliament would probably be immediately convoked. He stated that although on the eve of new elections, the Parliament would not legally expire till September.

From other quarters I am informed that in official circles war is considered as imminent, although as yet no military measures or preparations have been made.

No. 51.

Lord A. Loftus to Earl Granville.—(Received July 15.)

My Lord,

Berlin, July 12, 1870.

AT an interview which I had with Baron Thile this day, as reported in my preceding despatch, his Excellency expressed great alarm for the maintenance of peace; as from the tone of the semi-official press, and the language held by the Duc de Gramont and other official personages at Paris, it was to be feared that the French Government were determined on war.

A Council of Ministers was held yesterday, which lasted three hours, and I am informed that the answer to be made to the demands addressed by Count Benedetti at Ems formed the subject of their deliberations. It was at first arranged that the Minister of the Interior should be the bearer to Ems of the decision of the Council, but his Excellency subsequently deferred his departure.

Baron Thile in the course of conversation informed me that a communication on the present crisis had been addressed to the South German Governments, informing them of the state of the question at issue; and it may be supposed that an appeal was made for their eventual co-operation in the event of war, in fulfilment of their Treaty engagements. Baron Thile could give me no information as to the state of the negotiations carrying on at Ems with Count Benedetti, and he professed entire ignorance respecting them.

He could only assure me that the state of affairs was very critical, and in the present feverish state of the French nation he had great fears for the maintenance of peace.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Lord A. Loftus to Earl Granville.—(Received July 15.)

My Lord,

Berlin, July 12, 1870.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 6th instant, which was delivered to me by messenger Captain Ball on the morning of the 11th instant.

I immediately repaired to the Foreign Office for the purpose of fulfilling your Lordship's instructions. M. de Thile was, however, at a Council of Ministers, and informed me that it would not be in his power (on account of press of business) to receive me until the following day.

I accordingly waited this day on his Excellency, and read to him your Lordship's despatch from the commencement to the paragraph ending "with the certain effect of conferring an inestimable service on Europe by the maintenance of its peace," the remaining portion of your Lordship's despatch referring to special instructions for my own guidance.

Baron Thile thanked me for this communication, the substance of which he said he would not fail to report to the King and to Count Bismarck; observing, at the same time, that the question at issue had assumed graver proportions since the date of your Lordship's despatch.

His Excellency offered no observation on the question at issue, maintaining (as he has done since the commencement of the crisis) a guarded silence, declining any discussion on the merits of the question itself, and professing perfect ignorance of what was doing at Ems.

The only topic on which his Excellency entered referred to the menacing tone which characterized the declaration by the Duc de Gramont in the Legislative Chamber, which, as he observed, imposed silence on Prussia ("que le Duc de Gramont nous a fermée la bouche"). Baron Thile further observed on the offensive tone of the French press towards Prussia, which had greatly envenomed the question, and which rendered negotiations almost impossible. The Prussian press, on the other hand, had replied with great moderation and calmness, expressing rather surprise than anger at the immoderate irritation evinced by the French nation.

In communicating your Lordship's despatch I did not fail to point out to Baron Thile that Her Majesty's Government were solely induced to submit their opinions to the Prussian Government on this question in the interest of Spain, as well as in that of the maintenance of the peace of Europe,—an object which the King of Prussia had so much at heart; and that, acting from prudential motives alone, Her Majesty's Government ventured to express a hope that His Prussian Majesty would discourage a project which was fraught with danger to the best interests of Spain and to the peace of Europe.

Baron Thile received this communication with great good will as evincing the friendly interest of Her Majesty's Government in the welfare of Spain, and for the maintenance of the peace of Europe.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Lord A. Loftus to Earl Granville.—(Received July 15.)

(Extract.)

Berlin, July 13, 1870.

I HAD an interview with Count Bismarck to-day, and congratulated his Excellency on the apparent solution of the impending crisis by the spontaneous renunciation of the Prince of Hohenzollern.

His Excellency appeared somewhat doubtful as to whether this solution would prove a settlement of the difference with France. He told me that the extreme moderation evinced by the King of Prussia under the menacing tone of the French Government, and the courteous reception by His Majesty of Count Benedetti at Ems, after the severe language held to Prussia, both officially and in the French press, was producing throughout Prussia general indignation.

He had that morning, he said, received telegrams from Bremen, Königsberg, and other places, expressing strong disapprobation of the conciliatory course pursued by the King of Prussia at Ems, and requiring that the honour of the country should not be sacrificed.

Count Bismarck then expressed a wish that Her Majesty's Government should take some opportunity, possibly by a declaration in Parliament, of expressing their satisfaction at the solution of the Spanish difficulty by the spontaneous act of Prince Leopold, and of bearing public testimony to the calm and wise moderation of the King of Prussia, his Government, and of the public press.

His Excellency adverted to the declaration made by the Duc de Gramont to the Corps Législatif, "that the Powers of Europe had recognized the just grounds of France in the demand addressed to the Prussian Government;" and he was, therefore, anxious that some public testimony should be given that the Powers who had used their "bons offices" to urge on the Prussian Government a renunciation by Prince Leopold, should likewise express their appreciation of the peaceful and conciliatory disposition manifested by the King of Prussia.

Count Bismarck then observed that intelligence had been received from Paris (though not officially from Baron Werther) that the solution of the Spanish difficulty would not suffice to content the French Government, and that other claims would be advanced. If such be the case, said his Excellency, it was evident that the question of the succession to the Spanish Throne was but a mere pretext, and that the real object of France was to seek a revenge for Königgrätz.

The feeling of the German nation, said his Excellency, was that they were fully equal to cope with France, and they were equally as confident as the French might be of military success. The feeling, therefore, in Prussia and in Germany was that they should accept no humiliation or insult from France, and that if unjustly provoked they should accept the combat.

But, said his Excellency, we do not wish for war, and we have proved, and shall continue to prove, our peaceful disposition; at the same time we cannot allow the French to have the start of us as regards armaments. "I have," said his Excellency, "positive information that military preparations have been made, and are making, in France for war. Large stores of munition are being concentrated, large purchases of hay, and other materials necessary for a campaign, are making; and horses are being collected." If these continued, said his Excellency, we shall be obliged to ask the French Government for explanations as to their object and meaning.

After what has now occurred we must require some assurance, some guarantee, that we may not be subjected to a sudden attack; we must know that this Spanish difficulty once removed, there are no other lurking designs which may burst upon us like a thunder-storm.

Count Bismarck further stated that unless some assurance, some declaration, were given by France to the European Powers, or in some official form, that the present solution of the Spanish question was a final and satisfactory settlement of the French demands, and that no further claims were to be raised; and if, further, a withdrawal or a satisfactory explanation of the menacing language held by the Duc de Gramont were not made, the Prussian Government would be obliged to seek explanations from France. It was impossible, added his Excellency, that Prussia could tamely and quietly sit under the affront offered to the King and to the nation by the menacing language of the French Government. I could not, said his Excellency, hold communication with the French Ambassador after the language held to Prussia by the French Minister for Foreign Affairs in the face of Europe.

From the foregoing observations of Count Bismarck, your Lordship will perceive that unless some timely counsel, some friendly hand, can intervene to appease the irritation between the two Governments, the breach, in lieu of being closed by the solution of the Spanish difficulty, is likely to become wider.

It is evident to me that Count Bismarck and the Prussian Ministry regret the attitude and disposition of the King towards Count Benedetti, and that in the view of the public opinion of Germany they feel the necessity of some decided measures to safeguard the honour of the nation.

The only means which could pacify the wounded pride of the German nation and restore confidence in the maintenance of peace would be by a declaration of the French Government that the incident of the Spanish difficulty has been satisfactorily adjusted, and in rendering justice to the moderate and peaceful disposition of the King of Prussia and his Government, that the good relations existing between the two States were not likely to be again exposed to any disturbing influences. I greatly fear that if no mediating influences can be successfully brought to bear on the French Government to appease the irritation against Prussia, and to counsel moderation, war will be inevitable.

Lord Lyons to Earl Granville.—(Received July 15.)

(Telegraphic.)

Paris, July 15, 1870, 2 P.M.

AT twenty minutes past 1 the Duc de Gramont stated in the Senate that the negotiations with Prussia having failed the reserves would be called out, and steps would be taken to maintain the honour and interests of France.

Lord Lyons to Earl Granville.—(Received July 15, 10.40 P.M.)

(Telegraphic.)

Paris, July 15, 1870, 2.45 P.M.

THE same declaration as that made in the Senate by the Duc de Gramont has been made in the Corps Législatif by M. Ollivier and received with loud acclamations. It was decided by an immense majority that the demand of the Ministers for men and money should be taken into immediate consideration.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 15, 1870.

M. DE LAVALETTE called upon me this morning. His Excellency said that the Imperial Government had received a communication from M. Olozaga, notifying the renunciation by Prince Leopold of Hohenzollern of his candidature to the Throne of Spain.

This fact, he remarked, gave hopes that the difficulty between the Governments of France and Prussia may receive a pacific solution. But, as yet, the satisfaction obtained was only of a partial character.

It was necessary to have some guarantee for the future that the Prince would not again renew his candidature, and their representations to the King of Prussia still remained unanswered.

M. Benedetti, his Excellency went on to say, had been instructed to request the King of Prussia to give such an assurance.

The Government of the Emperor had no false sensitiveness, and sought at the King's hands nothing derogatory to his honour.

The question of His Majesty withdrawing the sanction which he had given to the Prince's candidature was now over. M. de Gramont felt convinced that, if necessary, a proposal that His Majesty should do so would have received the support of other Powers; and his Excellency stated that the Emperor of the French had already expressed a wish to this effect.

The pressing language in which Lord Lyons had urged the French Government to remain satisfied with the renunciation of Prince Leopold's candidature led the Imperial Government to believe that the Government of Her Majesty were alarmed lest they should be disposed to enlarge the scope of this discussion. That was not the case; and his Excellency assured me that not one word had been used to aggravate the present difficulty by the intervention of other questions.

I did not think it necessary to do more than repeat to M. de Lavalette my opinion that, after the question had been reduced to such narrow limits, France was not justified in going to the last extremity.

The conversation was prolonged, but nothing was said on either side that had not been said before.

I am, &c.
(Signed) GRANVILLE.

No. 57.

*Earl Granville to Lord Lyons.**

My Lord,

Foreign Office, July 15, 1870.

HER Majesty's Government deeply regret that, according to present appearances, the breaking out of war between France and Prussia seems imminent. They deplore the possibility of this great calamity, not only as regards the two Powers themselves, to whom they are bound by intimate ties of friendship, but also as regards Europe at large.

But being anxious not to neglect the slightest chance of averting it, they appeal to the 23rd Protocol of the Conferences held at Paris in the year 1856, in which "les Plénipotentiaires n'hésitent pas à exprimer, au nom de leurs Gouvernements, le vœu que les Etats entre lesquels s'élèverait un dissentiment sérieux, avant d'en appeler aux armes, eussent recours, en tant que les circonstances admettraient, aux bons offices d'une Puissance amie;" and they feel themselves the more warranted in doing so, inasmuch as the question in regard to which the two Powers are at issue is brought within narrow limits.

Her Majesty's Government therefore suggest to France and to Prussia, in identic terms, that before proceeding to extremities they should have recourse to the good offices of some friendly Power or Powers acceptable to both; and Her Majesty's Government, your Excellency will say, are ready to take any part which may be desired in the matter.

I am, &c.
(Signed) GRANVILLE.

No. 58.

Earl Granville to Vice-Admiral Harris.

(Extract.)

Foreign Office, July 15, 1870.

THE Netherland Minister called upon me to-day, and, in the course of conversation, announced that, in the event of a war between Prussia and France, Holland would maintain strict neutrality.

I told him that I had no authority from the Cabinet to enter into any discussion with regard to the contingencies which might result from war; at the same time I informed the Netherland Minister that, in the event of war breaking out between France and Prussia, Great Britain would declare her neutrality, and that if, in such a case, the Government of Her Majesty decided upon offering any advice to other Powers, it would be that they should follow a similar course.

No. 59.

Earl Granville to Mr. Layard.

Sir,

Foreign Office, July 16, 1870.

I HAVE received and laid before the Queen your despatch of the 10th instant, and I have to state to you that Her Majesty's Government entirely approve the steps which you have taken, as reported therein, in regard to the proposal to place Prince Leopold of Hohenzollern on the Throne of Spain.

I am, &c.
(Signed) GRANVILLE.

No. 60.

Lord Lyons to Earl Granville.—(Received July 16.)

My Lord,

Paris, July 14, 1870.

IN my despatch of yesterday I communicated to your Lordship the account given to me, by the Duc de Gramont, of the state of the question regarding the acceptance of the

* A similar despatch was addressed to Lord A. Loftus.

Crown of Spain by Prince Leopold of Hohenzollern, and the recent withdrawal of that acceptance.

My despatch was sent off at the usual hour, 7 o'clock in the evening. During the early part of the night which followed, the hope that it might yet be possible to preserve peace gained some strength. It was understood that the renunciation of his pretensions by Prince Leopold himself had come to confirm that made on his behalf by his father, and that the Spanish Government had formally declared to the Government of France that the candidature of the Prince was at an end. The language of influential members of the Cabinet was more pacific, and it was thought possible that some conciliatory intelligence might arrive from Prussia and enable the Government to pronounce the whole question to be at an end.

But in the morning, all was changed. A telegram was received from the French Chargé d'Affaires at Berlin stating that an article had appeared in the Prussian Ministerial organ, the "North German Gazette," to the effect that the French Ambassador had requested the King to promise never to allow a Hohenzollern to be a candidate for the Throne of Spain, and that His Majesty had thereupon refused to receive the Ambassador, and sent him word by an Aide-de-camp that he had nothing more to say to him.

The intelligence of the publication of this article completely changed the view taken by the French Government of the state of the question. The Emperor came into Paris from St. Cloud, and held a Council at the Tuileries, and it was considered certain that a declaration hostile to Prussia would be addressed at once by the Government to the Chambers.

I made every possible endeavour to see the Duc de Gramont, but was unable to do so. I sent him, however, a most pressing message by the Chief of his Cabinet, begging him, in the name of Her Majesty's Government, not to rush precipitately into extreme measures, and, at all events, not to commit the Government by a premature declaration to the Chambers. It would, I represented, be more prudent, and at the same time more dignified, to postpone addressing the Chambers at least until the time originally fixed, that is to say, until to-morrow.

In the meantime, although the news of the appearance of the article in the "North German Gazette" had not become generally known, the public excitement was so great, and so much irritation existed in the army, that it became doubtful whether the Government could withstand the cry for war, even if it were able to announce a decided diplomatic success. It was felt that when the Prussian article appeared in the Paris evening papers it would be very difficult to restrain the anger of the people, and it was generally thought that the Government would feel bound to appease the public impatience by formally declaring its intention to resent the conduct of Prussia.

The sittings of the Legislative Body and the Senate have, however, passed over without any communication being made on the subject, and thus no irretrievable step has yet been taken by the Government.

I cannot, however, venture to give your Lordship any hope that war will now be avoided. I shall continue to do all that is possible, in the name of Her Majesty's Government, to avert this great calamity; but I am bound to say that there is the most serious reason to apprehend that an announcement nearly equivalent to a declaration of war will be made in the Chambers to-morrow.

I have, &c.
(Signed) LYONS.

No. 61.

Lord Lyons to Earl Granville.—(Received July 16.)

My Lord,

Paris, July 15, 1870.

I RECEIVED late last evening your Lordship's telegrams, informing me that you had made urgent representations to the King of Prussia, in the hope of obtaining a peaceful solution of the difference between France and Prussia.

As soon as the telegrams were deciphered, I went to the French Foreign Office, but found that the Duc de Gramont was at St. Cloud in attendance on the Emperor. I had, however, some conversation with the Comte de Favernay, the head of the Ministers' Cabinet.

The information given to me by M. de Favernay did not tend to diminish my apprehensions.

It appeared that a telegram had already reached the Office from the Marquis de

Lavalette, stating the nature of the solution proposed by Her Majesty's Government. M. de Favernay was of course unable to give an opinion upon it, but I certainly gathered from his manner that it would not be deemed sufficient by France.

Then it seemed that intelligence had been received that the Prussian Government had communicated the article in the North German Gazette, or at all events the substance of it, officially to Representatives of Prussia abroad.

I found also that despatches had arrived from M. Benedetti, confirming the facts stated in the article.

M. de Favernay told me, moreover, that Baron de Werther, the Prussian Ambassador, who has shown a very conciliatory disposition in the whole affair, had announced to the Duc de Gramont that he was to take advantage of leave of absence which had been granted to him by his Sovereign, and to quit Paris to-day.

Finding that it would be impossible for me to see the Duc de Gramont that night, I left with M. de Favernay a short memorandum, giving the substance of your Lordship's telegrams respecting your communications with Prussia. I placed also in his hand a second memorandum, giving the substance of your telegram authorizing me to contradict the assertion from Stuttgardt respecting language falsely stated to have been used by you; and lastly, a third memorandum giving the substance of the remarks contained in your Lordship's despatch of the day before yesterday, respecting the statement made by M. de Gramont that all the Cabinets appeared to admit that the complaints of France were legitimate.

I begged M. de Favernay to place these three memoranda before M. de Gramont as soon as possible.

I have the honour to transmit copies of them to your Lordship herewith.

I sent to your Lordship at 1 o'clock this morning a telegram containing the substance of the preceding part of the present despatch.

This morning I have made a last attempt to have an interview with M. de Gramont before the sitting of the Chambers, but have been unsuccessful. If, however, I had been able to speak to him I could have found nothing to add to the arguments I had already so pertinaciously urged in favour of peace; nor could I have hoped to shake a resolution already deliberately adopted by the Emperor and his Ministers.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 61.

Substance of telegram from Earl Granville to Lord Lyons.

Foreign Office, July 14, 1870.

ALTHOUGH we are of opinion that France, having obtained the substance, should not in any case resort to extreme measures on the question of form, we have made urgent representations to Prussia in the hope of obtaining a peaceful solution.

We think that if France waived her demand for a guarantee for the future, the King of Prussia might communicate to her his consent to the withdrawal of the acceptance of Prince Leopold. We are disposed to advocate an arrangement on this basis.

Inclosure 2 in No. 61.

Substance of Telegram from Earl Granville to Lord Lyons, dated July 14, 1870.

THE information sent to the French Government from Stuttgardt to the effect that I had stated that France would attack Prussia by land and by sea without a previous declaration of war in case of a negative answer, is entirely false. I never said anything of the kind. Contradict it in the most peremptory and categorical terms. I shall myself send a contradiction to Berlin and Stuttgardt.

Inclosure 3 in No. 61.

Substance of Despatch from Earl Granville to Lord Lyons, dated July 13, 1870.

THE general statement made by the Duc de Gramont in the Corps Législatif that all the Cabinets to which the French Government had addressed itself appeared to admit that the grievances complained of were legitimate, is not in fact applicable to Her Majesty's Government.

I have never made any such general admission. I have expressed regret at an occurrence which had caused great displeasure to the Government and people of France, but I have carefully abstained from admitting that the cause was sufficient to warrant extreme measures, while I have deprecated precipitate action, and recommended that no means should be left untried to avert an interruption of the general peace.

No. 62.

Lord Lyons to Earl Granville.—(Received July 16.)

My Lord,

Paris, July, 15, 1870.

I HAVE the honour to inclose, extracted from the newspaper "*La France*," published this evening, the substance of the Declaration made this day in the Senate by the Duc de Gramont, and in the Corps Législatif by M. Emile Ollivier, on the relations between France and Prussia,

I have, &c.
(Signed) LYONS.

Inclosure in No. 62.

Extract from "La France" of July 15, 1870.

DECLARATION DU GOUVERNEMENT.—M. le Garde des Sceaux a fait au Corps Législatif la déclaration suivante, qui a été également lue au Sénat par M. le Duc de Gramont:—

"En l'absence de mon honorable ami M. le Duc de Gramont, je vais donner communication à la Chambre de l'exposé qui a été délibéré en Conseil des Ministres.

"M. le Ministre rappelle à la Chambre comment, aussitôt que le Gouvernement a été informé de l'acceptation du Trône d'Espagne par le Prince Léopold, il a demandé des explications au Cabinet Prussien.

"Le Cabinet de Berlin a prétendu ignorer l'affaire et a déclaré qu'il y était étranger.

"Alors, le Gouvernement Français s'est adressé directement au Roi de Prusse.

"Ordre a été donné à l'Ambassadeur de se rendre à Ems.

"Le Roi de Prusse a reconnu qu'il avait autorisé le Prince Léopold à accepter la couronne, mais il ne l'a autorisé que comme chef de famille et non comme Souverain.

"Cependant, Sa Majesté a avoué qu'elle en avait informé M. de Bismarck.

"Ces réponses n'ont pas paru satisfaisantes au Gouvernement Français, qui ne pouvait admettre ces subtilités.

"Le Gouvernement a insisté pour que le Roi de Prusse imposât au Prince Léopold la condition expresse de renoncer, pour l'avenir, à la couronne d'Espagne si elle venait à lui être offerte de nouveau.

"Cette demande modérée dans le fond et dans la forme n'a pas été acceptée.

"Le Roi a répondu qu'il ne pouvait ni ne voulait prendre un pareil engagement.

"Quoique ce refus parût inexplicable, le Gouvernement ne rompit pas les négociations, et la surprise du Gouvernement Français fut grande lorsqu'hier il apprit que le Roi de Prusse avait notifié à l'Ambassadeur qu'il ne le recevrait pas et que son Gouvernement avait communiqué aux Cabinets d'Europe cette décision.

"Le Gouvernement apprenait en même temps que le Baron de Werther avait été engagé à demander un congé.

"Dans ces circonstances tenter davantage la conciliation était impossible—c'était oublier la dignité de la France.

"Nous n'avons rien négligé pour éviter une guerre, ajoute le Ministre, nous allons nous préparer à celle qu'on nous offre. (Vives bravos sur toute la Droite.)

"Dès hier, reprend le Ministre, nous avons rappelé nos réserves et nous avons compté

sur votre concours pour prendre immédiatement les mesures nécessaires pour sauver les intérêts et l'honneur de la France." (Nouveaux bravos à Droite.)

(Translation.)

GOVERNMENT DECLARATION.—The Keeper of the Seals made the following Declaration in the Legislative Body, which was at the same time read in the Senate by the Duc de Gramont:—

"In the absence of my honourable friend M. le Duc de Gramont, I am about to communicate to the Chamber the statement which has been drawn up at the Council of Ministers.

"The Minister reminds the Chamber how, as soon as the Government had been informed of Prince Leopold's acceptance of the Spanish Throne, he had demanded explanations from the Prussian Cabinet.

"The Cabinet of Berlin pretended to ignore the affair, and declared that it was not privy to it.

"Thereupon the French Government addressed itself directly to the King of Prussia.

"Orders were given to the Ambassador to proceed to Ems.

"The King of Prussia admitted that he had authorized Prince Leopold to accept the Crown, but only in his capacity as head of the family, and not in that of King.

"Nevertheless His Majesty admitted that he had told Count Bismarck.

"These answers have not appeared satisfactory to the French Government, who could not admit these subtle distinctions.

"The Government insisted that the King of Prussia should impose on Prince Leopold the express condition of renouncing, for the future, the Spanish Crown, should it be again offered to him.

"This moderate demand has been refused, both in substance and in form.

"The King answered that he was neither able nor willing to undertake such an engagement.

"Although this refusal seemed inexplicable, the Government did not break off negotiations, and great was the surprise of the French Government when it learnt yesterday that the King of Prussia had announced to the Ambassador that he would not receive him, and that his Government had communicated this decision to the Cabinets of Europe.

"The Government at the same time learnt that Baron de Werther had been told to demand his passports.

"Under these circumstances, a further attempt at conciliation was impossible—it would have been to forget the dignity of France.

"We have neglected nothing to avoid a war," adds the Minister; "we are about to prepare ourselves for the one that is offered to us. (Loud cheers from the Right.)

"Since yesterday," the Minister went on to say, "we have called in the reserves, and we have reckoned on your concurrence in order to take at once the needful measures for saving the interests and honour of France. (Renewed cheers on the Right.)

No. 63.

Lord Lyons to Earl Granville.—(Received July 16.)

My Lord,

Paris, July 15, 1870.

SINCE the announcement to the Chambers this afternoon that the Government is actively preparing for war with Prussia, I have had an interview with the Duc de Gramont.

His Excellency spoke at once of the three Memoranda which I left for him with the head of his Cabinet last night, and of which copies are inclosed in my previous despatch of to-day.

With regard to the first he desired me to express to Her Majesty's Government the thanks of the Government of the Emperor for the friendly endeavours which they had made to effect a satisfactory solution of the question with Prussia. The good offices of Her Majesty's Government had, however, been made of no effect by the last acts of the Prussian Government. That Government had deliberately insulted France by declaring to the public that the King had affronted the French Ambassador. It was evidently the intention of the Government of Prussia to take credit with the people of Germany for having acted with haughtiness and discourtesy,—in fact, to humiliate France. Not only had the statement so offensive to France been published by the Government in its newspaper, but it had been communicated officially by telegraph to the Prussian Agents throughout Europe.

Until this had been done the negotiation had been particularly private. It had, from

the peculiar circumstances of the case, been carried on directly with the King of Prussia. The Prussian Minister for Foreign Affairs, Count Bismarck, had been in the country, and it had been impossible to approach him. The acting Minister, M. de Thile, professed to know nothing of the subject, and to consider it as a matter concerning not the Prussian Government but the King personally. Although the distinction was not in principle admissible, still it obliged France to treat with the King directly, and the French Ambassador had been sent to wait upon His Majesty at Ems. The negotiation had not proceeded satisfactorily, but so long as it remained private there were hopes of bringing it to a satisfactory conclusion. Nor indeed had the King really treated M. Benedetti with the rough discourtesy which had been boasted of by the Prussian Government. But that Government had now chosen to declare to Germany and to Europe that France had been affronted in the person of her Ambassador. It was this boast which was the gravamen of the offence. It constituted an insult which no nation of any spirit could brook, and rendered it, much to the regret of the French Government, impossible to take into consideration the mode of settling the original matter in dispute which was recommended by Her Majesty's Government.

Passing to the second memorandum, M. de Gramont observed that he had never believed that your Lordship had really used the language which had been attributed to you at Stuttgart, and that he received, with complete satisfaction, your own formal contradiction of the assertion which had been made on the subject.

The third memorandum related, as your Lordship is aware, to the statement made by M. de Gramont in the Chamber, that all the Cabinets to whom he had applied had appeared to admit that the complaints of France were legitimate. M. de Gramont affirmed that he certainly intended to include the Government of Great Britain in the statement, and that he must confess he still thought that he was perfectly justified in doing so. In fact, he said, the friendly efforts made, under your Lordship's instructions, by Her Majesty's Minister at Madrid to get the candidature of Prince Leopold set aside, and the representations made for the same purpose by Her Majesty's Government in other countries, surely indicated that they considered that France had reason to complain of the selection of this Prince, and the circumstances which had attended it.

I reminded M. de Gramont that your Lordship had throughout carefully abstained from admitting that this matter was sufficient to warrant a resort to extreme measures. M. de Gramont replied that neither did his statement in the Chamber imply that the Governments to which he alluded had made any such admission. The statement had been made at a comparatively early stage of the negotiation, and before the insult which had rendered extreme measures necessary. Some discussion ensued, but as M. de Gramont said he should himself state his views to the Marquis de Lavalette for communication to your Lordship, I abstain from entering into further details, lest I should only cause confusion by so doing.

Finally, M. de Gramont said that he knew the English way of going on, and was aware that we detested war, and therefore were not disposed to look favourably upon those who were the first to commence hostilities. Still he trusted that France would not lose the sympathy of England.

I said that if Her Majesty's Government had not been able to take exactly the same view of this unhappy dispute as the Government of the Emperor, I thought that they had, nevertheless, given most substantial proofs of friendship in the earnest endeavours they had made to obtain satisfaction for France. I could not deny that Her Majesty's Government had reason to feel disappointed, not to say hurt. They had been led to believe that the withdrawal of the Prince of Hohenzollern from all pretensions to the Crown of Spain was all that France desired. They had exerted themselves to the utmost to obtain this, and were then told that France required more. However this might be, there was, I said, in conclusion, most certainly no diminution of the friendly feeling which had been the happy result of the cordial understanding which had now for so many years existed between the two Governments and the two nations.

I have, &c.
(Signed) LYONS.

No. 64.

Lord Lyons to Earl Granville.—(Received July 16.)

My Lord,

Paris, July 15, 1870.

IN the course of the conversation I had this afternoon with the Duc de Gramont, after his declaration to the Chambers, Belgium was mentioned.

M. de Gramont told me that he was glad to have the opportunity of telling me that he had just assured the Belgian Minister that so far as France was concerned, it was quite unnecessary for Belgium to watch her railways, or go to any expense to protect herself. He had, he said, solemnly assured the Belgian Minister that absolute respect for the neutrality of Belgium would be a fundamental principle in the eyes of the French Government if France went to war; that France would respect the neutrality of Belgium under all circumstances "quand même."

M. de Gramont authorized me to convey the same assurances to Her Majesty's Government.

I have, &c.
(Signed) LYONS.

No. 65.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, July 16, 1870.

I HAVE received a despatch from Lord Lyons, dated yesterday, of which I inclose a copy,* reporting the language held to him by the Duc de Gramont, announcing the determination of the French Government to respect the neutrality of Belgium; and I have to request your Excellency to state to Count Bismarck that this declaration, spontaneously made by France, only confirms the confident expectation Her Majesty's Government entertain that both Prussia and France would, even under the pressure of war, scrupulously respect Treaties of Neutrality to which they were parties.

I am, &c.
GRANVILLE.

No. 66.

Earl Granville to Lord Lyons.

(Telegraphic.)

Foreign Office, July 16, 1870, 5 P.M.

THE mercantile people in this country are anxious to know whether neutral vessels will be allowed by the belligerent Powers to sail to and from French and German ports, with cargoes, for a specified time. Many ships, I am informed, are now loading in British ports for ports in both countries.

Ascertain this point without delay.

No. 67.

Earl Granville to Lord Lyons.†

My Lord,

Foreign Office, July 16, 1870.

AT the commencement of the war between England and France and Turkey on one side and Russia on the other, the two first-named Powers immediately made public their intention to interfere as little as possible with the commerce of neutrals, and to renounce a portion of the belligerent rights which, under the Law of Nations, would have appertained to them.

The renunciations thus spontaneously given at the commencement of the war were adopted at the close of it by all the Powers represented in the Conference of Paris, and subsequently, at their invitation, acceded to by nearly all the Maritime Powers of the world.

Her Majesty's Government cannot doubt that the principles recorded in the Declaration of Paris of the 16th April, 1856, will be scrupulously acted on by the belligerents in the present war; but the Imperial Government may, perhaps, be disposed

* No. 64.

† A similar despatch was addressed to Lord A. Loftus.

formally to announce that, for its part, they will form the rule of its conduct in the prosecution of hostile operations by sea.

I address a communication to the same effect to the Government of Prussia.

I am, &c.

(Signed) GRANVILLE.

No. 68.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 16, 1870.

I HAVE received your Excellency's despatch of yesterday's date reporting the language held to you by the Duc de Gramont, announcing the determination of the French Government to respect the neutrality of Belgium; and I have to request your Excellency to convey to the Duc de Gramont the warm thanks of Her Majesty's Government for this spontaneous declaration, which has only confirmed their belief that France and Prussia would, even under the pressure of war, scrupulously respect Treaties of Neutrality to which they were parties.

I am, &c.

(Signed) GRANVILLE.

No. 69.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 16, 1870.

THE French Ambassador called upon me to-day and acquainted me that the Imperial Government intended, on breaking off relations with North Germany, to place French subjects in the North German Confederation under the protection of the British Ambassador, Ministers, and Consuls.

I informed M. de Lavalette that Her Majesty's Government, being happy to do any friendly office to the Government of the Emperor, would readily assent to their wishes in this respect, reserving to themselves to do the same in France as regards German subjects if required to do so by the North German Confederation.

I am, &c.

(Signed) GRANVILLE.

No. 70.

Mr. Layard to Earl Granville.—(Received July 17.)

(Extract.)

Madrid, July 12, 1870.

THE messenger Captain Bagge arrived here this morning with your Lordship's despatches, relating to the feeling of irritation which had arisen in France against Spain and Prussia in consequence of the intention of the Spanish Government to propose the Prince of Hohenzollern as a candidate for the Throne. The views of Her Majesty's Government were expressed in your Lordship's despatch of the 8th of July so fully, and in a manner which appeared to me to be so well calculated to produce a desirable effect upon the Spanish Government, that, although I was not instructed to do so, I took upon myself the responsibility of reading it to Señor Sagasta. His Excellency was much gratified by this communication, and seemed fully to appreciate the consideration and friendly feeling which Her Majesty's Government had shown to that of Spain, and the equitable and impartial tone of your Lordship's despatch. He repeated to me what he had previously said more than once, that the Spanish Government had got into the present difficulty most unwittingly; that they never entertained the remotest thought of entering into a Prussian alliance, or into any combination hostile or unfriendly to France; and that I might assure your Lordship that the Spanish Government were most desirous of withdrawing from the position in which they had unfortunately placed themselves, if they could do so

consistently with the honour and dignity of the country. I suggested to his Excellency whether, if such was the case, it would not be well, without loss of time, to make an official communication to the European Powers, explaining exactly the position of the Spanish Government, asserting their earnest desire to avoid a rupture or misunderstanding with France, and disclaiming in solemn terms the existence at any time of a design to enter into an international combination against the interests and dignity of that country. His Excellency said that an idea of the kind had occurred to him, and that he would at once address a communication to this effect to the principal European Powers. His Excellency expressed to me in the warmest terms the desire to come to any arrangement which might save Europe from the calamities of a war, and the readiness of the Government to make every sacrifice for that object.

After leaving Señor Sagasta, I saw General Prim, and also read to him your Lordship's despatch. As I had anticipated, he was greatly pleased with it, and desired me to state to your Lordship that you had formed a most accurate and impartial judgment with regard to the intentions and acts of the Spanish Government, and that he was most sensible of the kindly feeling which your Lordship had shown towards Spain, and of the justice which you had done him. He then repeated much that he had already told me with regard to this affair, and disclaiming anew, in the most energetic way, any intention to take a step hostile to France.

His Excellency said that he was personally intimately connected with France and Frenchmen; he had experienced great kindness from the Emperor, he held property in France, he had married and had many relations in that country, and was consequently the last man to wish to menace or offend France and her Ruler. He desired me to remind Her Majesty's Government of the great difficulties of his position, that when, after the revolution, Spain was without a King, and that he was going from door to door to search for one, no European Government gave him any help, and that he was everywhere repulsed. But when the Cortes and the country had insisted upon having a King, and after he had been accused of wishing to maintain the "interinidad,"—the "interinity,"—for personal objects, he had at last succeeded in finding the only eligible candidate, he was immediately accused of having laid a deep plot against France, and of having sought to violate the international law of Europe. He again repudiated in the most emphatic terms any desire of secrecy in order to deceive France or any other Power. The reserve which he had shown was absolutely necessary, and had been maintained with the entire concurrence of his colleagues, who did not wish to expose their country to the humiliation of having made overtures to a fresh candidate which had been again refused. If the Prince had declined to accept the offer made to him, as there had been every reason to believe that he would, nothing would have been known about it; there would have been an end of the matter, and Spain would have been spared an additional affront to her dignity.

I did not think it desirable to enter into a discussion with his Excellency on these topics. I merely replied that the question now was whether peace could be preserved, and whether I could inform Her Majesty's Government that he was ready and willing to do everything in his power, consistently with the dignity and honour of his country and his own, to that end. He said that I might assure Her Majesty's Government that such was the case, and that he had done, and was doing, all he possibly could in that direction.

P.S.—In conformity with your Lordship's instructions, I have delivered to Señor Sagasta a copy of your Lordship's despatch of the 8th instant.

No. 71.

Mr. Layard to Earl Granville.—(Received July 17.)

My Lord,

Madrid July 14, 1870.

I RECEIVED a note from General Prim yesterday morning, informing me that the father of Prince Leopold of Hohenzollern had withdrawn the acceptance of his son to become a candidate for the Throne of Spain, and the cause of the misunderstanding with France might, consequently, be considered at an end. I accordingly telegraphed this information at once to your Lordship.

I have, &c.
(Signed) A. H. LAYARD.

No 72.

Mr. Layard to Earl Granville.—(Received July 17.)

My Lord,

Madrid July 14, 1870.

THE Italian Minister at Madrid has had the kindness to keep me informed of the instructions which he has at different times received from his Government on the subject of the Hohenzollern affair, and has, in his communications with the Spanish Ministers, used the same language that I have used to them, in accordance with your Lordship's instructions. Although, therefore, we have not acted in concert, we have pursued the course which your Lordship, in your conversation with the Italian Minister at the Court of St. James' communicated to Lord Lyons in your Lordship's despatch of the 9th instant, expressed your wish that we should adopt.

I have, &c.

(Signed) A. H. LAYARD.

No. 73.

Lord Lyons to Earl Granville.—(Received July 17.)

My Lord,

Paris, July 16, 1870.

I HAD last evening the honour to receive your Lordship's telegram dated 1.25 P.M. yesterday, in which you informed me that Her Majesty's Government desired to appeal to the 23rd Protocol of the Congress of Paris, and to suggest to France and Prussia to have recourse to the good offices of some friendly Power before proceeding to extremities.

I immediately embodied the substance of it in an urgent note, which I sent forthwith to the Duc de Gramont.

Your Lordship's written despatch of yesterday, in which the views of Her Majesty's Government are stated more fully, reached me this morning. I lost no time in sending a copy of it to the Duc de Gramont, inclosed in an official note.

I have the honour to transmit to your Lordship herewith copies of both my notes.

I have purposely abstained from communicating this suggestion in person to the French Government, being convinced that in the present state of feeling here the only result of my doing so would be to hasten the rejection of it. I have, in fact, thought it prudent to avoid giving an opportunity for an answer to be made on the spur of the moment.

I have thus endeavoured to secure to this last effort in favour of peace any possible chance of success that may still remain; but I must confess that I have myself lost all hope.

I have, &c.

(Signed) LYONS.

Inclosure 1 in No. 73.

Lord Lyons to the Duc de Gramont.

M. le Ministre,

Paris, July 15, 1870.

I DEEM it right to communicate to your Excellency without delay the purport of an instruction which I have just received, by telegraph, from Her Majesty's Principal Secretary of State for Foreign Affairs.

Her Majesty's Government desire to appeal to the 23rd Protocol of the Congress of Paris to avert from two friendly Powers, and from all Europe, the frightful scourge of war.

Her Majesty's Government are prepared to suggest, with the most sincere feelings of friendship, and in precisely the same terms both to France and to Prussia, that before proceeding to extremities they should have recourse to the good offices of some friendly Power to effect a reconciliation between them.

For their own part, Her Majesty's Government would be most willing to take any steps that might be acceptable to both nations, and to afford their best services in any way that might be desired towards the maintenance of peace.

Having thus communicated to your Excellency the substance of the telegram which has been addressed to me by Her Majesty's Government, I do myself the honour earnestly to recommend it to the immediate and serious consideration of the Government of the Emperor.

I have, &c.
(Signed) LYONS.

Inclosure 2 in No. 73.

Lord Lyons to the Duc de Gramont.

M. le Ministre,

Paris, July 16, 1870.

IN the note which I had the honour to address to your Excellency last evening, I communicated to you the substance of a telegram which had just come to me from Her Majesty's Principal Secretary of State for Foreign Affairs.

The telegram stated briefly the desire of Her Majesty's Government to appeal to the 23rd Protocol of the Congress of Paris of 1856, and to suggest both to France and to Prussia that before proceeding to extremities they should have recourse to the good offices of a friendly Power.

I have this morning received from the Secretary of State a written despatch, in which the views of Her Majesty's Government are expressed in a more complete form, and I hasten to submit a copy of it to your Excellency.

Your Excellency will, I trust, accept this communication as a further proof of the friendship of Her Majesty's Government, and of their earnest desire to avert the calamity of war.

I have, &c.
(Signed) LYONS.

No. 74.

Lord Lyons to Earl Granville.—(Received July 17.)

My Lord,

Paris, July 16, 1870.

IN recent reports of my proceedings respecting the differences between France and Prussia, I have mentioned several occasions on which I had been unsuccessful in endeavours to see the Duc de Gramont. It has occurred to me since that I may possibly have conveyed the impression that his Excellency has been at times purposely inaccessible to me.

Such an impression would be entirely erroneous. M. de Gramont has, on the contrary, shown very great willingness to receive me, and has listened to me with great patience and attention. It is true that in my earnest desire to leave nothing undone which might tend to avert war, I have sought his Excellency in season and out of season; and it can cause no surprise that I did not always find him, when it is considered that during this critical time he has been called upon to attend the Emperor at St. Cloud, to meet his colleagues in Council, and to present himself before both branches of the Legislature. In fact, since the very beginning of the unfortunate dispute respecting the Hohenzollern candidature, there have been only two days during which I did not have at least one interview with M. de Gramont.

I have, &c.
(Signed) LYONS.

Lord Lyons to Earl Granville.—(Received July 17.)

My Lord,

Paris, July 16, 1870.

IN my despatch of yesterday* I had the honour to transmit to your Lordship a summary of the declaration made by the Government in the Senate and the Corps Législatif, respecting the difference with Prussia; and I had just time to put up in a blank cover, addressed to your Lordship, the "Journal Officiel du Soir," containing the full report, which I obtained at the moment of the departure of the messenger.

I have now the honour to transmit to your Lordship the authentic Reports of the proceedings in both Chambers on the occasion, taken from the "Journal Officiel" of this morning.

Four divisions took place in the Corps Législatif:—

A motion demanding the communication of documents was opposed by the Government, and lost. The numbers being 84 in favour of the motion, to 159 against it.

A Bill granting a credit of 50,000,000 francs to the Minister of War was passed by 245 votes to 10.

A Bill granting a credit of 16,000,000 francs to the Minister of Marine, was passed by 245 votes to 1.

Bills for calling out the Garde Nationale Mobile, and for admitting voluntary enlistments for the duration of the war, were also carried by large numbers of votes, there being in each case only one vote against the Bill.

I have, &c.
(Signed) LYONS.

Inclosure in No. 75.

Extract from the "Journal Officiel" of July 16, 1870.

M. le Président.—La parole est à M. le Ministre des Affaires Etrangères pour une communication du Gouvernement. (Mouvement général d'attention. Profond silence.)

Son Excellence M. le Duc de Gramont, Ministre des Affaires Etrangères.—La manière dont le pays a accueilli notre déclaration du 6 Juillet nous ayant donné la certitude que vous approuviez notre politique et que nous pouvions compter sur votre appui, nous avons aussitôt commencé des négociations avec les Puissances étrangères, afin d'obtenir leurs bons offices auprès de la Prusse, pour qu'elle reconnaisse la légitimité de nos griefs.

Dans ces négociations nous n'avons rien demandé à l'Espagne, dont nous ne voulions ni éveiller les susceptibilités ni froisser l'indépendance; nous n'avons pas agi auprès du Prince de Hohenzollern, que nous considérons comme couvert par le Roi; nous avons également refusé de mêler à notre discussion aucune récrimination ou de la faire sortir de l'objet même dans lequel nous l'avions renfermée dès le début.

La plupart des Puissances ont été pleines d'empressement à nous répondre, et elles ont avec plus ou moins de chaleur admis la justice de nos réclamations.

Le Ministère des Affaires Etrangères Prussien nous a opposé une fin de non-recevoir, en prétendant qu'il ignorait l'affaire et que le Cabinet de Berlin y était resté étranger.

Nous avons dû alors nous adresser au Roi lui-même, et nous avons donné à notre Ambassadeur l'ordre de se rendre à Ems, auprès de Sa Majesté. Tout en reconnaissant qu'il avait autorisé le Prince de Hohenzollern à accepter la candidature qui lui avait été offerte, le Roi de Prusse a soutenu qu'il était resté étranger aux négociations poursuivies entre le Gouvernement Espagnol et le Prince de Hohenzollern, qu'il n'y avait intervenu que comme chef de famille et nullement comme Souverain, et qu'il n'avait ni réuni ni consulté le Conseil de ses Ministres. Sa Majesté a reconnu cependant qu'elle avait informé le Comte de Bismarck de ces divers incidents.

Nous ne pouvions considérer ces réponses comme satisfaisantes; nous n'avons pu admettre cette distinction subtile entre le Souverain et le chef de famille, et nous avons insisté pour que le Roi conseillât et imposât au besoin au Prince Léopold une renonciation à sa candidature.

Pendant que nous discussions avec la Prusse, le désistement du Prince Léopold nous vint du côté d'où nous ne l'attendions pas, et nous fut remis le 12 Juillet par l'Ambassadeur d'Espagne.

Le Roi ayant voulu y rester étranger, nous lui demandâmes de s'y associer et de déclarer que si, par un de ces revirements toujours possibles dans un pays sortant d'une révolution, la couronne était de nouveau offerte par l'Espagne au Prince Léopold, il ne l'autoriserait plus à l'accepter, afin que le débat pût être considéré comme définitivement clos. (Approbation.)

Notre demande était modérée; les termes dans lesquels nous l'exprimions ne l'étaient pas moins.

"Dites bien au Roi," écrivions-nous au Comte Benedetti le 12 Juillet à minuit, "dites bien au Roi que nous n'avons aucune arrière-pensée, que nous ne cherchons pas un prétexte de guerre, et que nous ne demandons qu'à résoudre honorablement une difficulté que nous n'avons pas créée nous-mêmes." (Oui! Oui! C'est vrai! Très-bien!)

Le Roi consentit à approuver la renonciation du Prince Léopold, mais il refusa de déclarer qu'il n'autoriserait plus à l'avenir le renouvellement de cette candidature. (Mouvement de surprise.)

"J'ai demandé au Roi," nous écrivait M. Benedetti le 13 Juillet à minuit, "de vouloir bien me permettre de vous annoncer en son nom que si le Prince de Hohenzollern revenait à son projet, Sa Majesté interposerait son autorité et y mettrait obstacle. Le Roi a absolument refusé de m'autoriser à vous transmettre une semblable déclaration." (Sensation—rumeurs.) "J'ai vivement insisté, mais sans réussir à modifier les dispositions de Sa Majesté.

"Le Roi a terminé notre entretien en me disant qu'il ne pouvait ni ne voulait prendre un pareil engagement, et qu'il devait pour cette éventualité comme pour toute autre se réserver la faculté de consulter les circonstances." (Exclamations, vives protestations.)

Une voix.—On ne pousse pas plus loin l'insolence! (Oui, oui!)

M. Duruy.—C'est un défi!

M. le Ministre des Affaires Etrangères.—Quoique ce refus nous parût injustifiable—(Adhésion)—notre désir de conserver à l'Europe les bienfaits de la paix était tel que nous ne rompîmes pas les négociations, et que, malgré votre impatience légitime, craignant qu'une discussion ne les entravât, nous vous avons demandé d'ajourner nos explications jusqu'à aujourd'hui. (Marques générales d'approbation.)

Aussi notre surprise a-t-elle été profonde lorsque hier nous avons appris que le Roi de Prusse avait notifié par un Aide-de-camp à notre Ambassadeur qu'il ne le recevrait plus (Vif mouvement d'indignation), et que, pour donner à ce refus un caractère non équivoque, son Gouvernement l'avait communiqué officiellement aux Cabinets de l'Europe. (Explosion de murmures.)

Quelques Sénateurs.—C'est trop d'impertinence et d'audace!

M. le Ministre des Affaires Etrangères.—Nous apprenions en même temps que M. le Baron de Werther avait reçu l'ordre de prendre un congé et que des armements s'opéraient en Prusse.

Dans ces circonstances, tenter davantage pour la conciliation eût été un oubli de dignité et une imprudence. (Vive adhésion.—Bravos prolongés.) Nous n'avons rien négligé pour éviter une guerre; nous allons nous préparer à soutenir celle qu'on nous offre (Oui! oui! Très bien! C'est vrai!), en laissant à chacun la part de responsabilité qui lui revient.

Dès hier nous avons rappelé nos réserves, et, avec votre concours, nous allons prendre immédiatement les mesures nécessaires pour sauvegarder les intérêts, la sécurité, et l'honneur de la France. (Bravos et applaudissements prolongés.)

(Translation.)

The President.—The Minister for Foreign Affairs has a statement to make on behalf of the Government.

His Excellency the Duke de Gramont, Minister for Foreign Affairs.—The manner in which the country received our declaration of the 6th of July having afforded us the certainty that you approved our policy and that we could reckon on your support, we at once began negotiations with the foreign Powers in order to obtain their good offices with Prussia in order that she might admit the legitimacy of our grievances.

In these negotiations we have asked nothing of Spain, of whom we neither wished to awaken the susceptibilities nor wound the independence. We took no action with the Prince of Hohenzollern, whom we considered as being shielded by the King; we also refused to mix up any recrimination with our discussion, or to permit that discussion to diverge from the object to which, from the commencement, we had confined it.

Most of the Powers were full of eagerness to answer us, and they have admitted the justice of our demands with more or less warmth.

The Prussian Foreign Office answered by a demurrer, pretending that it knew nothing of the matter, and that the Cabinet of Berlin had remained a stranger to it.

We were, accordingly, compelled to address ourselves to the King himself, and we instructed our Ambassador to proceed to the King at Ems. While acknowledging that he had authorized the Prince of Hohenzollern to accept the candidature which had been offered him, the King of Prussia maintained that he had remained a stranger to the negotiations conducted between the Spanish Government and the Prince of Hohenzollern; that he had only intervened as head of the family, and in no way as Sovereign, and that he had neither called together nor consulted his Ministers in Council. His Majesty, however, acknowledged that he had informed Count Bismarck of the various incidents.

We could not consider these answers satisfactory; we could not admit that subtle distinction between the Sovereign and the head of the family, and we insisted on the King's advising and, if necessary, forcing Prince Leopold to renounce his candidature.

Whilst we were in discussion with Prussia the relinquishment of his candidature by Prince Leopold came to us from the quarter from which we did not expect it, and was communicated to us on the 12th July by the Spanish Ambassador.

The King having wished to remain a stranger to the question, we asked him to associate himself with it, and to declare that if, by one of those changes which are always possible in a country emerging from a revolution, the Crown were to be again offered by Spain to Prince Leopold, he would no longer authorize him to accept it, so that the discussion might be considered as definitely closed. (Approval.)

Our demand was moderate; the terms in which we expressed it were not less so. "Be sure and tell the King," we wrote to Count Benedetti on the 12th July at midnight, "be sure and tell the King that we have no *arrière-pensée*, that we do not seek a pretext for war, and that we only ask to be able to solve honourably a difficulty which is not of our creation."

The King consented to approve Prince Leopold's renunciation, but he refused to declare that he would not again in the future authorize the renewal of this candidature. (Movements of surprise.)

"I have demanded of the King," M. Benedetti writes to us at midnight on the 13th of July, "to be so good as to permit me to announce to you, in his name, that if the Prince of Hohenzollern should again think of his project, His Majesty should interpose his authority and prevent it. The King has absolutely refused to authorize me to send you such a declaration." (Sensation. Murmurs.) "I have vigorously persisted, but without succeeding in modifying the determination of His Majesty.

"The King terminated our interview by saying that he could not, nor did he wish to undertake such an engagement, and that he would in this eventuality, as in all others, reserve to himself the faculty of consulting the circumstances." (Exclamations. Loud dissident cries.)

A voice.—Insolence cannot go further! (Hear, hear.)

M. Duruy.—It is a defiance.

The Minister for Foreign Affairs.—Although this refusal seemed to us unjustifiable.—(Marks of assent)—such was our desire of preserving to Europe the blessings of peace that we did not break off the negotiations; and, in spite of your just impatience, fearing that a discussion should hamper them, we asked you to adjourn the explanations till to-day. (Universal marks of approbation.)

We were, accordingly, profoundly surprised when we learnt yesterday that the King of Prussia had notified by an Aide-de-camp to our Ambassador that he would not receive him any more—(lively movement of indignation)—and that, in order to give to this refusal an unequivocal character, his Government had communicated it officially to the Cabinets of Europe. (Explosion of murmurs.)

Some Senators.—It is too much impertinence and audacity.

The Minister for Foreign Affairs.—We learnt, at the same time, that Baron Werther had received orders to go on leave, and that armaments were being effected in Prussia.

Under these circumstances, a further attempt at conciliation would be a forgetfulness of dignity and an imprudence. (Loud assent—prolonged applause.) We have neglected nothing to avoid a war; we are about to prepare to sustain one which is offered to us—"Yes, yes; very good—it's true"—leaving to each the share of responsibility which belongs to them.

Since yesterday we have called in our reserves, and, with your assistance, we are about immediately to take the measures necessary to secure the interests, the safety, and the honour of France. (Prolonged bravos and applause.)

No. 76.

Sir A. Buchanan to Earl Granville.—(Received July 18.)

My Lord,

St. Petersburg, July 9, 1870.

I HAVE not seen Prince Gortchakoff since the arrival here of a telegraphic report of the proceedings in the French Legislative Assembly on the 6th instant, as his Excellency went to Peterhoff on the 7th, and remained there until yesterday evening.

I have, however, reason to believe that the received simultaneously representations on the subject from the French Ambassador, declaring that war with Prussia was inevitable in the event of Prince Leopold of Hohenzollern's accession to the Throne of Spain, and a statement from the Prussian Minister that his Government had declared to that of France that they were entire strangers to the proposed arrangement, and had no interest whatever in it.

I am told that General Fleury represented to Prince Gortchakoff that the aggrandizement of Prussia and any increase to her political influence in Europe would be a cause of danger to Prussia as well as to France, and that his Excellency answered that, with respect to her relations with France, he should consider any interference in the affairs of Spain on the part of Prussia as certain to weaken her, and that, as to Russia, she could feel no alarm at the power of Prussia. I am told, he also said, that when Prince Charles of Hohenzollern became the Ruler of Roumania through the support of France, though Russia disapproved of the arrangement, she confined herself to remonstrances, and afterwards accepted the accomplished fact; and he did not see how Prussia could now be held responsible for the election of another member of the family to the Throne of Spain, an eventuality in which she has declared she has no interest.

Prince Gortchakoff will not change his intention of proceeding to Wildbad to-morrow in consequence of what has occurred, unless ordered to do so by the Emperor, and, if he leaves, Prince Reuss will also carry out his intention of proceeding to Berlin at the same time on leave of absence.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 77.

Sir A. Buchanan to Earl Granville.—(Received July 18.)

My Lord,

St. Petersburg, July 11, 1870.

I ACQUAINTED M. de Westmann this morning with the substance of your Lordship's telegram of yesterday, relative to the crisis which has arisen in the relations of France and Prussia, with reference to the nomination of Prince Leopold of Hohenzollern as a candidate for the Crown of Spain; and his Excellency took a note of the information which I imparted to him, for communication to the Emperor.

His Excellency said that serious advice had already been given to the Prussian Government from St. Petersburg to act with prudence and moderation, and not to be influenced by feelings of irritation at the language of the Government or of the press in France; and he said he hoped that, if the King of Prussia declared solemnly that he had taken no part whatever in the selection of Prince Leopold or in his acceptance of the overtures made to him, the French Government would admit that they had no ground for war with Prussia. I answered that, if the King went a step further, and expressed his disapproval of Prince Leopold's acceptance of the Spanish Crown, whatever might happen afterwards could not be made a grievance against Prussia; but M. de Westmann said that, if France was determined to resent by a war against Prussia the accession of a Prince of Hohenzollern to the Crown of Spain, she might unfortunately find a pretext for so doing, by calling upon the Prussian Government to fulfil the stipulations in the Treaty of Prague with respect to Schleswig.

The French Ambassador, who has had some conversation with the Emperor on the subject, and is to see His Majesty again to-morrow, hopes that His Majesty will urge the King of Prussia to use his legitimate influence with the Prince of Hohenzollern to induce His Royal Highness to withdraw his acceptance of the offer made to him; and he believes that should His Highness not act in conformity with the King's declared wishes or commands, an opinion expressed at Madrid by Prussia, in concert with other Powers, against the expediency of his being elected, would prevent that eventuality.

I have, &c.

(Signed) ANDREW BUCHANAN.

Lord Bloomfield to Earl Granville.—(Received July 18.)

My Lord,

Vienna, July 9, 1870.

I CALLED to-day on Count Beust, and found his Excellency in great anxiety as to the result which the communication from Paris, respecting the candidature of Prince Leopold of Hohenzollern for the Throne of Spain, will have produced on the Prussian Government. He said that the language in which the remonstrance of the French Government was conveyed might not be calculated to facilitate an arrangement, but he would still hope for the best, and he had instructed M. de Münch, the Austrian Chargé d'Affaires at Berlin, to do everything to promote the chance of a peaceable solution of the difficulties which had arisen between France and Prussia. He added that he had sent a copy of this instruction to Count Apponyi, and had informed him fully on the question; that he had not yet heard from that Ambassador, but he trusted that, in the interest of the preservation of peace Her Majesty's Government would not be unwilling to interpose her good offices, or indisposed to act as mediator between France and Prussia.

I told Count Beust that I was quite ignorant of the intentions of Her Majesty's Government; that your Lordship was hardly installed in your new office, and could not possibly have had time to give this important matter all the consideration it required, much less to come to any decision respecting it, but that I had no doubt you would be disposed to do all in your power to endeavour to avert from Europe the serious complications with which she appeared to be threatened; that, however, before a mediation could be opened or even proposed, a basis for the same must be established.

We had some general conversation respecting this unfortunate affair, in which Count Beust expressed his disapproval and regret at the precipitate manner in which the French Government had spoken in the Chamber, as tending greatly to increase the difficulties and dangers of the position, and render an amicable solution all the more difficult.

I have, &c.

(Signed) BLOOMFIELD.

Lord Bloomfield to Earl Granville.—(Received July 18.)

(Extract.)

Vienna, July 11, 1870.

HAVING received your Lordship's telegram of yesterday, in which you inform me of the line of policy adopted by Her Majesty's Government in regard to the question which has arisen between France, Prussia, and Spain, I called on Count Beust this afternoon, when he told me that he had already heard from Count Apponyi on the subject, and felt that under existing circumstances Her Majesty's Government could do no more than they had done. He said that from Paris not a word had reached him that was encouraging; that from Berlin he knew simply nothing; and the delays and apparent irony with which the Prussian newspapers treated the affair had only tended to increase the irritation at Paris; that Prince Metternich seemed apprehensive of the worst, and he could not conceal from me that if the King of Prussia refused to disavow the candidature of Prince Leopold of Hohenzollern, he saw no possible chance of effecting a compromise between the Powers; at this moment all looked dark and hopeless. He was sorry to say that, notwithstanding the laudable efforts made by the Powers to avert an open rupture, there was no present appearance that they were likely to be successful.

Lord Bloomfield to Earl Granville.—(Received July 18.)

(Extract.)

Vienna, July 13, 1870.

I HAVE seen Count Beust to-day, when his Excellency appeared somewhat relieved from momentary anxiety as to the candidature of Prince Hohenzollern by the Prince having withdrawn from it; but his Excellency did not seem confident that this declaration would suffice to meet the requirements of the French Government. He repeated what he has said on other occasions, that he had done what he could to dissuade France from

pushing matters to extremities; but he did not seem to have great faith in his power to effect much, and his impression is that nothing is likely to avert the onward march of events. His Excellency added that perhaps no one was better able to judge of the state of feeling in the South German States than himself; and he was convinced that if France counted on the sympathies of those States for her cause she would make a great mistake. With a view, therefore, to discourage her from looking to anything like support from that quarter, he had thought it well, in the interests of peace, to bring this conviction to her knowledge.

No. 81.

Lord A. Loftus to Earl Granville.—(Received July 18.)

My Lord,

Berlin, July 16, 1870.

AT the commencement of the present crisis, the Italian Government instructed their Representative here to urge on the Prussian Government the renunciation of the candidature of Prince Leopold of Hohenzollern, and to assist in every way (in community with his colleagues), which might further the interests of peace.

Count Launay, in conformity with these instructions, has unceasingly exerted himself in the cause of an amicable arrangement of the difficulties between Prussia and France, and has kept me fully informed of the instructions he received from his Government, and the action he took with reference to them.

In the absence from Berlin, however, of the King and Count Bismarck during this crisis, the attitude of the Government here has been entirely passive and expectative; and Count Launay, like myself and his colleagues, have invariably found that Baron Thile declined any discussion on the question, stating that the Prussian Government rejected all responsibility on the subject of the candidature of Prince Leopold.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 82.

Lord A. Loftus to Earl Granville.—(Received July 18.)

(Extract.)

Berlin, July 16, 1870.

BARON THILE read to me to-day a Report drawn up by the Aide-de-camp of the King of Prussia who had been charged by His Majesty to communicate with Count Benedetti. In this Memoir it is positively stated that the King of Prussia had expressed to Count Benedetti his consent to the renunciation of the Prince of Hohenzollern; but that His Majesty had refused to accede to the second point submitted to him by the French Ambassador, namely, to take an engagement that no member of the Hohenzollern family should ever accept the offer of the Spanish Crown.

In the present advanced state of affairs it appears almost hopeless to attempt any reconciliation between the litigant parties; and I am afraid that no counsels of conciliation on the part of Her Majesty's Government will avail to induce France to accept the offers of mediation.

Still, as yet, no official declaration of war has been received here, nor have the diplomatic relations between the two countries been yet broken off.

No. 83.

Lord A. Loftus to Earl Granville.—(Received July 18.)

My Lord,

Berlin, July 16, 1870.

THE King of Prussia returned to this capital last evening from Ems.

Count Bismarck, General von Roon, the Minister of War, General von Moltke, and other members of the Ministry went to meet His Majesty at Brandenburg.

His Majesty was received here with great enthusiasm. A vast crowd greeted His Majesty on his arrival at the railway station, and the Linden leading to His Majesty's palace was thronged by a crowd who vociferously cheered His Majesty. Flags were displayed from nearly every window, and the houses were illuminated; it was with

difficulty that the King prevented the populace from dragging his carriage to the palace. At all the stations on the whole line of road, the King was received with marked enthusiasm, and this was more especially the case at Cassel and Hanover.

Addresses are pouring in from all parts of the country, expressing loyalty to His Majesty, and a readiness to incur any sacrifices for the honour and protection of the country.

There never was an occasion since 1813 when the national feeling has been so roused in this country, and when all classes of the population and all political parties of every colour are so determined for war.

A Council of Ministers and Generals was held last night in the presence of the King, at which the mobilisation of the whole of the Federal army was decreed.

The Federal Council was summoned for to-day, and the Federal Parliament has been convoked for the 21st instant. The Crown Prince has given up the command of the 2nd Corp d'Armée to General Franski.

This change, however, has been in contemplation for some months.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 84.

Vice-Admiral Harris to Earl Granville.—(Received July 18.)

(Extract.)

The Hague, July 17, 1870, 8 A.M.

M. LAUSBERG, the Under-Secretary of State for Foreign Affairs, brought to me last night the intelligence that the French Minister here had been instructed to state that the frontier of Luxemburg would be respected as long as Prussia did the same.

This morning I have a note from M. Lausberg, saying that a telegram was received in the night from the Dutch Minister in Paris, "nous mandant que notre communication" (request for assurance that the neutrality of Holland would be respected) "a été reçu fort favorablement, et que la France ne désire pas autre chose."

No. 85.

Lord Lyons to Earl Granville.—(Received July 18.)

My Lord,

Paris, July 17, 1870.

WITH reference to your Lordship's telegram of yesterday,* I have the honour to inclose a copy of a note, in which I have inquired of the Duc de Gramont whether neutral vessels would, if war should now break out between France and Prussia, be allowed for a specified time to sail to and from French and German ports with cargoes.

I have in the same note requested that, if peace should not be preserved, the French Government will give Her Majesty's Government the earliest notice of the actual declaration of war, or of the commencement of hostilities.

I have, &c.

(Signed) LYONS.

Inclosure in No. 85.

Lord Lyons to the Duc de Gramont.

M. le Ministre,

Paris, July 17, 1870.

HER Majesty's Government will not yet abandon the hope that peace may be preserved, but they cannot close their eyes to the imminent danger of a rupture between France and Prussia. It becomes, therefore, their duty to take, without delay, such steps as may be in their power to allay the anxiety of the mercantile classes of Her Majesty's subjects.

With this view Her Majesty's Government desire to ascertain, with the least possible delay, whether neutral vessels would be allowed by the belligerent Powers to sail to and from French and German ports with cargoes for a specified time.

Her Majesty's Government are informed that many ships are now lading in Great

Britain for France and Germany, and they trust that your Excellency will take into consideration the importance of the British interests involved, and at once make Her Majesty's Government acquainted with the intentions of the Government of the Emperor with regard to the point in question.

I would further represent to your Excellency that, if unhappily peace should not be preserved, Her Majesty's Government would be much obliged if the Government of the Emperor would give them the earliest possible notice of the actual declaration of war, or of the commencement of hostilities.

In the confidence that your Excellency will be so obliging as to communicate to me as soon as possible the information which Her Majesty's Government desire to obtain, I beg, &c.

(Signed) LYONS.

No. 86.

Lord Lyons to Earl Granville.—(Received July 18.)

My Lord,

Paris, July 17, 1870.

I HAVE this morning had the honour to receive your Lordship's despatch of yesterday, suggesting that the French Government should formally announce that in the impending war it will regulate its conduct in the prosecution of hostile operations at sea, by the Declaration of Paris of the 16th of April, 1856.

My note is almost an exact transcript of your Lordship's despatch. I have only so far altered it as to put the case of war hypothetically. There is, indeed, too much reason to fear that a rupture between France and Prussia is, in fact, certain; but I have thought it best, if only as a matter of form, to abstain from taking this for granted, as the actual declaration of war has not yet been made, and I have not yet received an answer to my notes of yesterday and the day before, urging that the two parties should, in conformity with the 23rd Protocol of the Congress of Paris, have recourse to the good offices of a friendly Power.

I have, &c.
(Signed) LYONS.

Inclosure in No. 86.

Lord Lyons to the Duc de Gramont.

M. le Ministre,

Paris, July 17, 1870.

AT the commencement of the war between England and France and Turkey on the one side, and Russia on the other, the two first-named Powers immediately made public their intention to interfere as little as possible with the commerce of neutrals, and to renounce a portion of the belligerent rights which, under the law of nations, would have appertained to them.

The renunciations thus spontaneously given at the commencement of the war were adopted at the close of it by all the Powers represented in the Conference of Paris, and subsequently, at their invitation, acceded to by nearly all the maritime Powers of the world.

Her Majesty's Government cannot doubt that the principles recorded in the Declaration of Paris of the 16th of April, 1856, would be scrupulously acted on by the belligerents if war should now ensue; but the Imperial Government would perhaps be disposed formally to announce that, for its part, they would form the rule of its conduct in the prosecution of hostile operations by sea.

Her Majesty's Government address a communication to the same effect to the Government of Prussia.

I have, &c.
(Signed) LYONS.

No. 87.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 18, 1870.

I HAVE received your Excellency's despatch of the 17th instant,* and I approve of the note which you have addressed to the French Government, in conformity with the instructions contained in my despatch of the 16th instant, as to non-interference with the commerce of neutrals and the partial renunciation of belligerent rights in the event of hostilities between France and Germany.

I am, &c.
(Signed) GRANVILLE.

No. 88.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 18, 1870.

I HAVE received your Excellency's despatch of the 17th instant,† and I approve of the note which you have addressed to the Imperial Government, in compliance with the instructions contained in my telegram of the 17th instant, with a view to ascertaining whether neutral vessels would be allowed to sail for a given time to and from French ports, after the breaking out of war, and of obtaining the earliest notice of the actual declaration of war.

I am, &c.
(Signed) GRANVILLE.

No. 89.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 18, 1870.

I HAVE received your Excellency's despatch of the 14th instant, reporting the further progress of affairs in the matter of the acceptance by Prince Leopold of the Crown of Spain, since the date of your despatch of the 13th; and I have to convey to your Excellency the entire approval of Her Majesty's Government of the endeavours which you used, in your communications with the Duc de Gramont, in order to induce the Imperial Government not to take any precipitate or extreme measures in regard to their relations with Germany.

I am, &c.
(Signed) GRANVILLE.

No. 90.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 18, 1870.

I HAVE received your Excellency's despatch of the 15th instant, reporting that, in the absence of the Duc de Gramont at St. Cloud, you had placed in the hands of M. de Favernay, memoranda, of which you inclose copies, embodying the substance of my telegrams to your Excellency, of the 14th instant, on the subject of my communication with the Prussian Government and other matters, and I entirely approve the course taken by your Excellency in this respect.

I am, &c.
(Signed) GRANVILLE.

No. 91.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 18, 1870.

I HAVE received your Excellency's despatch of the 16th instant, and I approve of the manner in which your Excellency has acted upon the instructions contained in my telegram of the 15th instant and my despatch of the same date, with the object of inducing the Imperial Government to have recourse to mediation in their present misunderstanding with Prussia, in conformity with the principles of the 23rd Protocol of the Congress of Paris in 1856.

I am, &c.
(Signed) GRANVILLE.

No. 92.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 18, 1870.

I HAVE to inform your Excellency that the French Ambassador has this day acquainted me that the Emperor had determined not to allow amateurs or newspaper correspondents to accompany the French armies in the field.

I have made this known to the Secretary of State for War and the Field-Marshal Commanding-in-chief.

I am, &c.
(Signed) GRANVILLE.

No. 93.

*Señor Rances to Earl Granville.—(Received July 18.)**Ce 16 Juillet, 1870.*

LE Ministre d'Espagne présente ses compliments au Comte Granville, et n'ayant pas pu voir aujourd'hui son Excellence pour remplir l'ordre de son Gouvernement de lui communiquer le contenu d'un télégramme reçu hier soir, il lui en donne connaissance par la copie ci-jointe.

(Translation.)

July 16, 1870.

THE Spanish Minister presents his compliments to Earl Granville, and not having been able to see his Excellency to-day and thus to fulfil the instruction which he had received from his Government to communicate to him the substance of a telegram received last night, begs to forward to him a copy of the same.

Inclosure in No. 93.

Señor Sagasta to Señor Rances.

(Télégraphique.)

Madrid, le 15 Juillet, 1870, 2.30 p.m.

EL Presidente del Congreso de Ministros ha recibido del Principe de Hohenzollern el telegrama siguiente:—

“Vu les complications que paraît rencontrer la candidature de mon fils Leopold au Trône d'Espagne, et la situation pénible que les derniers évènements ont créé au peuple Espagnol en le mettant dans une alternative qu'il ne saurait prendre conseil que du sentiment de son indépendance, convaincu qu'en pareille circonstance son suffrage ne saurait avoir la sincérité et la spontanéité sur lesquelles mon fils a compté en acceptant la candidature, je la retire en son nom.

(Signé) “PRINCE DE HOHENZOLLERN.”

El Gobierno agradeciendo la justicia que se hace a la nobleza de caracter del pueblo Español, y respetando las graves razones en que funde su desistimiento, deja sin efecto las medidas que para la eleccion de Monarca tenne adoptadas. La “Gaceta” publicará hoy la disposicion del Presidente de las Cortes suspendiendo la convocatoria publicada en el periodico oficial el 9.

(Translation.)

(Telegraphic.)

Madrid, July 15, 1870, 2.30 P.M.

THE President of the Council of Ministers has received the following telegram from the Prince of Hohenzollern:—

“In view of the complications entailed by the candidature of my son Leopold for the Spanish Throne, and the painful situation in which late events have placed the Spanish people, a situation which would leave it no alternative but to assert its own independence, and convinced as I am that under these circumstances its suffrage would neither be as sincere or as spontaneous as my son had been led to expect when he accepted the said candidature, I beg to withdraw it in his name.

(Signed) “PRINCE OF HOHENZOLLERN.”

The Government, acknowledging the justice done to the nobility of character of the Spanish people, and in view of the weighty reasons on which this withdrawal is founded, hereby revoke the measures which they had taken for the election of a Sovereign. The “Gazette” will to-day publish the Decree of the President of the Cortes adjourning the meeting announced in the official paper of the 9th.

No. 94.

Lord A. Loftus to Earl Granville.—(Received July 18.)

My Lord,

Berlin, July 16, 1870.

I AM informed that Count Bylandt, the Netherlands Minister at this Court, has informed Baron Thile verbally that, in the event of a war between France and Germany, the Government of His Netherlands Majesty will remain strictly neutral.

He added that the necessary measures would be taken to protect their neutrality, and he stated that probably the Netherlands Government would try to come to an arrangement with Belgium for a joint protection of the neutrality of both countries.

Baron Thile replied that this information would give satisfaction to the Prussian Government, who only looked to the neutrality of Holland. As regards Belgium and Luxemburg, the neutrality of both countries was guaranteed by Treaty, and it would be scrupulously respected by Prussia.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 95.

Earl Granville to Mr. Layard.

Sir,

Foreign Office, July 18, 1870.

THE Spanish Minister called upon me a few days ago, and placed in my hands a copy of the Circular from his Government, dated the 7th of this month, announcing their intention to submit the name of Prince Leopold of Hohenzollern to the Cortes, as that of a Prince well qualified to be accepted by them as King of Spain.

I am, &c.
(Signed) GRANVILLE.

No. 96.

Earl Granville to Señor Rances.

M. le Ministre,

Foreign Office, July 19, 1870.

I HAVE the honour to acknowledge with thanks the receipt of your letter of the 16th instant, inclosing a copy of the telegraphic communication which you have received from your Government, containing the withdrawal by the Prince of Hohenzollern of his son's candidature to the Throne of Spain.

I am, &c.
(Signed) GRANVILLE.

Lord A. Loftus to Earl Granville.—(Received July 19.)

My Lord,

Berlin, July 17, 1870.

IN conformity with the instructions of your Lordship's telegram, received late last night, I have this day addressed an official note to Count Bismarck, of which I have the honour to annex a copy, appealing to the 23rd Protocol of the Treaty of Paris, 1856, and suggesting that, before proceeding to extremities, the Government of the North German Confederation should have recourse to the good offices of some friendly Power or Powers, with a view, if possible, to avert the calamity of war.

It is probable that, before this despatch reaches your Lordship, the substance of the answer of Count Bismarck to my communication will be notified to Count Bernstorff by telegraph.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

P.S.—Since writing the above, I have received an acknowledgement of my note from M. de Thile, a translation of which I have the honour to annex.

Inclosure 1 in No. 97.

Lord A. Loftus to Count Bismarck.

M. le Chancelier,

Berlin, July 17, 1870.

FROM the accounts which have reached Her Majesty's Government, they cannot but apprehend that a rupture of friendly relations between the North German Confederation and France is imminent, and that war may ensue. Her Majesty's Government would deeply deplore this great calamity for two friendly Powers, as well as for all Europe. In their interests, and in those of humanity, I am instructed by Her Majesty's Government to make an earnest appeal to the Government of His Majesty the King of Prussia, based on the 23rd Protocol of the Treaty of Paris of 1856, by which the Powers of Europe agreed to refer any serious differences arising between them to the good offices of a friendly Power before having recourse to arms.

In accordance with this wise and humane agreement, I am instructed by Her Majesty's Government to suggest to the Government of the King of Prussia, as they have likewise suggested in like terms to the Government of the Emperor of the French, that, before proceeding to extremities, they should have recourse to the good offices of some friendly Power or Powers, with a view, if possible, to avert the calamity of war.

I am further instructed to state that Her Majesty's Government are ready to take any mediatory part which may be requested of them.

In expressing to your Excellency, on the part of Her Majesty's Government, the earnest hope that the proposal which I have now the honour to submit to your Excellency may be favourably entertained by the Government of His Majesty the King of Prussia, I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure 2 in No. 97.

Baron Thile to Lord A. Loftus,

(Translation.)

Berlin, July 17, 1870.

I HAVE the honour to acknowledge the due receipt of your Excellency's note of to-day's date, on the contents of which I shall not fail to take the commands of His Majesty the King.

I avail, &c.
For the Chancellor,
(Signed) THILE.

No. 98.

Lord Lyons to Earl Granville.—(Received July 19.)

My Lord,

Paris, July 18, 1870.

I HAVE the honour to transmit herewith to your Lordship a despatch from Colonel Claremont of this day's date, stating that no officer or other person will be allowed to follow the French army.

I have, &c.
(Signed) LYONS.

Inclosure in No. 98.

Colonel Claremont to Lord Lyons.

My Lord,

Paris, July 18, 1870.

NUMEROUS applications from officers and others having already, as your Excellency is aware, been made at this Embassy for leave to follow the operations of the French army now taking the field, I went to the Ministère de la Guerre to ascertain what their intentions were on the subject. I regret, for the sake of those interested, to have to inform you that they will positively allow no one to join or follow the army as an amateur; they make no exception, they tell me, even in favour of their own people.

I have, &c.
(Signed) E. S. CLAREMONT.

No. 99.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 19, 1870.

THE French Ambassador called upon me to-day and informed me that he was instructed to acknowledge with gratitude to Her Majesty's Government the sentiments which had induced them to offer mediation in order to avert the misfortune of a war between France and Germany.

The Imperial Government, he said, appreciated the utility of the rule laid down in the last paragraph but one of the Protocol of the 12th April, 1856, No. 23; but he reminded me of the reserve made on the subject, and recorded in the same Protocol, namely, "Que le vœu exprimé par le Congrès ne saurait, en aucun cas, opposer des limites à la liberté d'appréciation qu'aucune Puissance ne peut aliéner dans les questions qui touchent à sa dignité;" and he proceeded to say that, much as France would be inclined to accept the good offices of a friendly Power, and particularly of England, the refusal of the King of Prussia to give the guarantee which France was obliged to ask, in order to prevent dynastic combinations dangerous to her safety, and the care of her dignity, prevented her from taking any other course than that which she had adopted.

The Duc de Gramont, M. de Lavalette added, had already thanked Lord Lyons for the offer that he made under instructions from Her Majesty's Government, and the Imperial Government trusted that England would acknowledge that the Emperor had no other choice left.

I am, &c.
(Signed) GRANVILLE.

No. 100.

Earl Granville to Lord Bloomfield.

My Lord,

Foreign Office, July 19, 1870.

COUNT APPONYI called upon me on the 15th instant, and informed me that Count Beust had addressed a despatch to the Austrian Ambassador at Berlin, instructing him to make every effort to secure the preservation of peace. His Excellency was good enough to read to me the despatch referred to, of which the following is the substance:—

Count Beust observed that the Austro-Hungarian Government, when informed some time ago that there was an idea of offering the Throne of Spain to the Prince of Hohenzollern, did not think that there was any occasion for expressing an opinion on the subject; but that, in learning now that the candidature of the Prince was an accomplished

fact, they felt bound to express their views and, to a certain extent, their fears. Their only object was the maintenance of the peace of Europe. With Spain they had no special interest; they had avoided any interference in the question of the succession to the vacant Throne, and had been especially careful to guard against awaking the recollection that a line of Kings of the Hapsburg race had reigned in Spain. The Spanish question only interested Austria as it interested the whole world, from the anxiety which it caused that it should not be the means of disturbing the peace of Europe.

There was, however, good reason to believe that that danger was involved in the candidature of the Prince of Hohenzollern. The French nation, which had hitherto suppressed the susceptibilities aroused by the aggrandizement of Prussia, would be seriously disquieted by any attempt to win over Spain to the influence of Prussia by placing on the Throne a King collaterally connected with the Prussian Royal Family. Information from France left no doubt that such an attempt would meet there with determined opposition—opposition that might give rise to a civil war in Spain, and dangerous discord between two of the principal Powers of Europe.

In face of these eventualities, Count Beust expressed special satisfaction at the information that the Emperor Napoleon had directed that representations on the subject should be made, in the most friendly manner, to the King of Prussia, with an expression of the conviction that it was reserved for His Majesty's wisdom, and his influence as head of the House of Hohenzollern, to prevent so serious a complication. So strong was the desire of the Austro-Hungarian Government for peace, and so deep their fears of the consequences of the acceptance of the Throne of Spain by the Prince of Hohenzollern, that they felt bound to exert themselves in a similar sense. Baron Münch was therefore instructed, on the one hand, not to disguise from the statesmen of Prussia the opinion of the Austro-Hungarian Government that great danger was involved in the candidature of Prince Leopold; and, on the other hand, to express firm confidence that the King of Prussia's love of peace and his sound judgment would prevent the entrance into European politics of a new and powerful element of discord.

I informed Count Apponyi of the views of Her Majesty's Government, and the steps we were taking to induce the French Government not to be precipitate in action, and to persuade the Governments of Prussia and Spain, but without attempting to dictate to them, seriously to consider all the important phases of this grave question.

Count Apponyi approved of this policy, and assured me that no efforts would be wanting on the part of the Austrian Government to maintain the peace of Europe.

I am, &c.

(Signed) GRANVILLE.

No. 101.

Earl Granville to Lord Bloomfield.

My Lord,

Foreign Office, July 19, 1870.

WITH reference to my preceding despatch of this day's date, I have to state to your Excellency that Count Apponyi, at the same time that he read to me the despatch to Baron Münch, read to me also a telegraphic despatch which Count Beust had addressed to Count Dubsky at Madrid, and a note which he had addressed to Prince Metternich at Paris.

To Count Dubsky, Count Beust stated that the Spanish Envoy had announced to him the desire of the Spanish Government to propose the candidature of the Prince of Hohenzollern to the Cortes; adding that that candidature need not cause any disquietude, and that the Government was only carrying out the national will. Count Beust had replied that the idea might be excellent, but that its effect was deplorable; that he had not hitherto heard of any popular manifestation in favour of a combination which was compromising the peace of Europe; that he hoped that the Spanish nation and Government would give due weight to the appeal of the French Government to their wisdom and their friendship; and that no suspicion could attach to an opinion expressed by the Austro-Hungarian Government, as they had invariably shown the most perfect disinterestedness and non-intervention in the affairs of Spain.

In writing to Prince Metternich, Count Beust expressed his alarm at the situation of affairs, and, whilst disclaiming any pretension to judge the interests involved, justified his taking an active part in the efforts which were being made to avert deplorable results by his zeal for the maintenance of peace. He stated that, no sooner had he been informed of the wish of the Duc de Gramont that he should act in the interests of conciliation at Berlin, than he addressed instructions in that sense to Baron Münch, and that he had at

the same time pointed out to the Spanish Government the danger of the course they were pursuing.

The Austro-Hungarian Government had thus unhesitatingly pleaded the cause of peace by endeavouring to remove the cause which had, not without reason, disquieted the French Government; and he had been able to inform the French Chargé d'Affaires, who had, by order of his Government, suggested some diplomatic action in accordance with the wishes of the French Government, that his suggestion had already been carried out. The British Government had held at Berlin language almost similar to his own, and he was persuaded that the remaining Cabinets, if they had not already followed this example, would lose no time in doing so.

The voice of Europe would doubtless be raised unanimously in favour of peace, and it appeared clear that the simple solution of the question would be the withdrawal of the candidature of the Prince of Hohenzollern, which had not been received with enthusiasm in Spain, and did not satisfy any of the principal exigencies of the situation.

The proposed solution would compromise no interest, and implied no sacrifice, not even that of personal dignity on the part of the Prince, whose renunciation would be universally interpreted in his favour. These considerations would unquestionably have great weight at Berlin and Madrid, and the Austro-Hungarian Government had sufficient confidence in the wisdom of the Prussian Government to believe that they would not hesitate to give a conclusive proof of their conciliatory dispositions by not only declaring themselves strangers to what was passing in Spain, but also by using all their influence to procure the withdrawal of the candidature which had been put forward at Madrid in a manner as unexpected as it was inopportune. On the other side the Austro-Hungarian Government were convinced that France, whilst jealously protecting her own dignity, would abstain from increasing, by her attitude, the dangers of the situation. It was intelligible that the French Government should insist on due regard being made to the manifest interests which they were bound to defend on this occasion, but moderation would not detract from the firmness of her language, and would win for her fresh claims to the sympathies of the Powers who held that the public repose should not be disturbed by unforeseen combinations.

I am, &c.
(Signed) GRANVILLE.

No. 102.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, July 19, 1870.

COUNT BERNSTORFF called my attention on the 16th instant, to a report made by the King of Prussia's Aide-de-camp at Ems, of the communication which, by His Majesty's desire, he had made to M. Benedetti, namely, that His Majesty approved the renunciation of Prince Leopold in the same sense and to the same extent as His Majesty had previously approved the acceptance of his candidature; and Count Bernstorff said that it was after this declaration had thus been given that the further demand of a guarantee for the future was put forward by France.

Count Bernstorff, however, requested me to consider the communication as confidential, from which obligation he relieved me on the 19th, when he found the report had been published at Berlin.

I am, &c.
(Signed) GRANVILLE.

No. 103.

Mr. Bonar to Earl Granville.—(Received July 20.)

My Lord,

Berne, July 16, 1870.

I HAVE the honour to inclose to your Lordship herewith, in French translation, the statement that was made this day by the President of the Confederation, to the two Chambers composing the Federal Assembly, on the position and attitude of Switzerland in presence of the actual condition of affairs between France and Prussia, and the measures contemplated by the Federal Government with a view to preserve the neutrality and integrity of the territory of the Confederation in the event of war.

The President declares that the Federal Council will maintain that neutrality by every means in its power; and will address at once a declaration to that effect to all the Powers parties to the Treaties of 1815.

The Federal Council demands of the Federal Assembly unlimited power to levy

whatever number of troops events may render necessary with that object, as also an unlimited money credit, and authority to contract any loans that may be requisite.

The Government Message was at once voted by both Chambers unanimously.

I have, &c.

(Signed) A. G. G. BONAR.

Inclosure in No. 103.

Telegraphic Despatches.

Berne, le 15 Juillet, 1870, 1 heure.

LE Conseil Fédéral a pris ce matin les décisions suivantes :—

Vu la gravité que prend le conflit entre la France et la Prusse, le Conseil Fédéral fera prochainement aux Chambres un rapport sur la situation politique et demandera des pleins pouvoirs aux fins de prendre les mesures nécessaires pour sauvegarder la neutralité et l'indépendance de la Suisse.

Nos Ministres à Berlin et à Paris seront chargés de déclarer aux Gouvernements de la France et de la Prusse qu'en cas de guerre le Conseil Fédéral est décidé à défendre la neutralité Suisse par tous les moyens possibles.

Le Département Politique est chargé de rédiger un Message aux Chambres et une Déclaration de Neutralité adressée aux Puissances.

Le Département Militaire est chargé de prendre des dispositions pour une prompt levée des troupes, le cas échéant, et de faire des propositions aux Chambres pour la nomination du Général-en-chef et pour celle de son Chef d'Etat-Major.

Le Département des Finances est chargé de préparer les moyens financiers et de faire des approvisionnements pour la fabrication de la poudre.

Les Administrations de Chemins de Fer seront invitées à préparer éventuellement le matériel nécessaire pour le transport d'un nombre important de troupes.

Berne, le 16 Juillet, 1870, 5 heures du soir.

En suite de la déclaration de guerre faite par la France à la Prusse, le Conseil Fédéral a pris les mesures suivantes pour défendre d'une manière efficace la neutralité Suisse.

Sont appelés sous les armes les états-majors et l'élite des Divisions suivantes :—

1ère Division, Colonel Egloff (Thurgovie) ; 2me Division, Colonel Jacques de Salis (Grisons) ; 6me Division, Colonel Paravicini (Bâle) ; 7me Division, Colonel Isler (Thurgovie) ; 9me Division, Colonel Schädler (Argovie).

Tout le reste de l'élite est mis de piquet.

La mise sur pied déjà ordonnée par le Département Militaire, et qui se compose d'une compagnie de sapeurs et des compagnies de carabiniers de la 1ère Division, est approuvée.

La répartition de l'armée du 21 Juin, 1869, est confirmée avec quelques modifications proposées par le Département Militaire.

Les autorités militaires cantonales seront invitées à tenir prêt à partir tout le personnel de leur contingent, et de veiller surtout à ce que des chevaux puissent être fournis à la première réquisition. Enfin, tout le matériel de guerre devra être parfaitement en ordre.

Tous les cours de répétition des armes spéciales sont supprimés et l'on ne donnera suite qu'aux écoles de recrues et d'aspirants.

Il sera donné aux cantons des instructions dans le même sens, touchant les cours de répétition de l'Infanterie.

Il sera publié une ordonnance concernant les règles à suivre, pour le maintien de la neutralité analogue à celle de 1866.

Enfin, le Conseil Fédéral adressera aux Chambres un Message dans lequel, après un court exposé de la situation, il leur proposera l'adoption de l'Arrêté suivant :—

1. La Confédération Suisse, pendant la guerre qui va éclater, défendra la neutralité et l'intégrité de son territoire par tous les moyens dont elle dispose. Le Conseil Fédéral est chargé de faire une déclaration en ce sens aux Gouvernements et aux Etats belligérants, et aux Puissances garantes des Traités de 1815.

2. Les levées de troupes ordonnées par le Conseil Fédéral sont approuvées.

3. Le Conseil Fédéral est autorisé, en outre, à faire toutes les autres levées et à prendre toutes les autres mesures qu'il croira nécessaires pour maintenir la neutralité et la défense du territoire.

4. Un crédit illimité est ouvert au Conseil Fédéral pour satisfaire aux dépenses qu'il ordonnera en vertu des pleins pouvoirs accordés par l'Article précédent. Il est spécialement autorisé à contracter les emprunts qui pourraient devenir nécessaires.

5. L'Assemblée procédera immédiatement à la nomination du Général-en-chef et du Chef d'Etat Major-Général.

6. Le Conseil Fédéral rendra compte dans la prochaine session de l'usage qu'il aura fait des pleins pouvoirs à lui accordés.

Berne (même date).

Le Conseil des Etats a repris sa séance à 11 heures. M. le Président de la Confédération Dubs lit le Message du Conseil Fédéral, concernant les mesures déjà prises pour sauvegarder la neutralité de la Suisse et formule les propositions y relatives énumérées dans la dépêche précédente.

Ces propositions sont votées à l'unanimité sans discussion.

La Chambre remercie le Conseil Fédéral pour l'activité et l'énergie dont il a fait preuve.

La séance est levée.

Le Conseil National, après avoir entendu la communication de M. Dubs, avait continué la discussion sur le rapport de gestion, qu'il a terminée à 2 heures. Alors le Président de la Chambre, M. Anderwert, lui a communiqué la décision prise par les Etats concernant la neutralité, et propose de suivre leur exemple.

M. Heer appuie cette proposition et saisit cette occasion pour recommander au Conseil Fédéral de faire des propositions à l'Assemblée Fédérale pour la nomination du Général-en-chef, afin que cette nomination ait lieu à l'unanimité.

L'Assemblée unanime se lève pour accepter les propositions du Conseil Fédéral.

M. le Président annonce ensuite que, par un accord entre les Présidents des deux Chambres et le Président de la Confédération, l'Assemblée Fédérale sera convoquée Mardi, pour élire un Général et son Chef d'Etat-Major.

(Translation.)

Berne, July 15, 1870, 1 P.M.

THE Federal Council this morning adopted the following resolutions:—

In view of the serious nature of the dispute between France and Prussia, the Federal Council will shortly make a Report to the Chambers on the political situation, and will ask for full powers with the object of taking the necessary measures to preserve the neutrality and the independence of Switzerland.

Our Ministers at Berlin and Paris will be charged to declare to the Governments of France and Prussia that, in case of war the Federal Council is determined to defend the neutrality of Switzerland by every possible means.

The Political Department is charged to draw up a Message to the Chambers and a Declaration of Neutrality addressed to the Powers.

The Military Department is charged to take measures for a prompt levy of troops (if the case arises), and to submit proposals to the Chambers for the nomination of the General-in-Chief and for that of his Chief of the Staff.

The Department of Finance is charged to prepare the financial means and to make provision for the manufacture of powder.

The Administrations of the Railways will be requested to prepare, in case of need, the means necessary for the transport of a large number of troops.

Berne, July 16, 1870, 5 P.M.

In consequence of France having declared war against Prussia, the Federal Council has adopted the following measures in order to defend the neutrality of Switzerland efficiently:—

The staff and the *élite* of the following divisions have been called under arms:—

1st division, Colonel Egloff (Thurgovie); 2nd division, Colonel Jacques de Salis (Grisons); 6th division, Colonel Paravicini (Bâle); 7th division, Colonel Isler (Thurgovie); 9th division, Colonel Schädler (Argovie).

All the remainder of the *élite* is placed in observation.

The war footing already ordered by the Military Department, and which is composed of a company of sappers and of some companies of carabineers of the 1st division, is approved.

The redistribution of the army of the 21st of June, 1869, is confirmed with some modifications proposed by the Military Department.

The military authorities of the cantons will be requested to keep the whole strength of their contingent ready to start, and to take especial care that horses may be supplied on the first requisition. In short, all the war material is to be perfectly in order.

All courses of instruction in special arms are suppressed, and instruction will only be given in the schools of recruits and volunteers.

Instructions to the same effect will be given to the cantons in regard to the courses of instruction for the infantry.

An order will be published in regard to the rules to be followed for the maintenance of neutrality analogous to that of 1866.

Lastly, the Federal Council will send a message to the Chambers, in which, after a short summary of the situation, it will propose to them the adoption of the following Decree :—

1. The Swiss Confederation, during the war that is about to break out, will defend the neutrality and the integrity of its territory by all the means at its disposal. The Federal Council is desired to make a declaration to this effect to the belligerent Governments and States, and to the Powers that guaranteed the Treaties of 1815.

2. The levies of troops ordered by the Federal Council are approved.

3. The Federal Council is further authorized to make such further levies and to take any other measures which it will deem necessary for the maintenance of its neutrality and the defence of its territory.

4. Unlimited credit is given to the Federal Council, in order to meet the expenses which it may incur in consequence of the full powers granted by the preceding Article. It is specially authorized to contract such loans as may become necessary.

5. The Assembly will at once proceed to appoint a Commander-in-chief and a Chief of the Staff.

6. The Federal Council will give an account in its next session of the use which it will have made of the full powers granted to it.

Berne (same date).

The Council of the States resumed its sitting at 11 o'clock. The President of the Confederation, Dubs, reads the Message to the Federal Council touching the measures already taken to secure the neutrality of Switzerland, and draws up the proposals relating to them enumerated in the foregoing despatch.

These proposals are voted unanimously, without discussion.

The Chamber thanks the Federal Council for the activity and energy of which it has given proof.

The sitting breaks up.

The National Council, after having heard the communication of M. Dubs, continued the discussion on the Report of the Administration, which it closed at 2 o'clock. Then the President of the Chambers, M. Anderwert, communicated to it the decision arrived at by the States respecting neutrality, and proposed to follow their example.

M. Heer supports this proposal, and seizes the opportunity to recommend the Federal Council to submit proposals to the Federal Assembly for the nomination of a General-in-chief, so that this nomination might be made unanimously.

The Assembly unanimously rises to accept the proposals of the Federal Council.

The President announces subsequently that, in accordance with an arrangement between the Presidents of the two Chambers and the President of the Confederation, the Federal Assembly will be convoked on Tuesday, to elect a General and a Chief of the Staff.

No. 104.

Vice-Admiral Harris to Earl Granville.—(Received July 20.)

(Extract.)

The Hague, July 18, 1870.

THE Minister for Foreign Affairs, in answer to an interpellation addressed to him in the First Chamber, stated to-day that his Government had received in writing formal assurances from the Governments of France and Prussia that they recognized and would respect the neutrality of Holland.

In answer to another question relative to a rumour which had been circulated that Prussia had offered to Holland a body of troops to aid her in maintaining her neutrality, the Minister said that his Government had received no such offer from any Government whatever.

I to-day informed your Lordship by telegram that the Government of the North Confederation had promised that of Luxemburg to respect its neutrality as long as France did so.

I am assured that in the Council of Ministers presided yesterday by the King, it was determined to maintain the strictest neutrality.

No. 105.

Lord Lyons to Earl Granville.—(Received July 20.)

My Lord,

Paris, July 18, 1870.

THIS afternoon, in obedience to the instruction contained in your Lordship's despatch of yesterday's date, I conveyed to the Duc de Gramont the warm thanks of Her Majesty's Government for the spontaneous declaration which his Excellency had made of the determination of the French Government to respect the neutrality of Belgium.

M. de Gramont said he would authorize me to communicate to Her Majesty's Government an equally positive assurance that France would also respect the neutrality of Luxemburg and Holland.

M. de Gramont added that the only reservation which France made was, that the neutrality of these countries should be also respected by Prussia. If, he said, Prussia should enter any of them, we should of course hold ourselves at liberty to do the same.

I have, &c.

(Signed) LYONS.

No. 106.

Lord Lyons to Earl Granville.—(Received July 20.)

(Extract.)

Paris, July 19, 1870.

THE Duc de Gramont told me this afternoon that Count Bray, the Bavarian Minister for Foreign Affairs, had suggested that the King of Prussia should give a general assurance that, in the case of the Crown of Spain, he would observe the same principle which had been acted upon by France when the Crown of Belgium was offered to His Royal Highness the Duc de Nemours, and by England when His Royal Highness Prince Alfred was elected King of Greece. This suggestion had been approved by the Prussian Minister at Munich, and had, M. de Gramont believed, been recommended to the King of Prussia by Her Majesty's Government. The King had, however, peremptorily rejected it. Such was, M. de Gramont said, the substance of intelligence which he had received from Munich.

I said that Her Majesty's Minister at Munich had reported to your Lordship that Count Bray had suggested some general assurance of the kind on the part of Prussia as a solution of the question, but that I knew nothing more than the bare fact that the suggestion had been made by Count Bray.

No. 107.

Lord Lyons to Earl Granville.—(Received July 20.)

My Lord,

Paris, July 18, 1870.

THE Duc de Gramont told me this afternoon that he sent yesterday a formal declaration of war against Prussia to Berlin by one of the Secretaries of the French Embassy there, who happened to be at Paris on leave. He added that he only waited to hear of the declaration being received at Berlin to notify it to the Prussian Chargé d'Affaires at Paris and publish it.

M. de Gramont went on to say that he presumed that I should not be surprised to hear that the French Government had been unable to agree to the suggestion which Her Majesty's Government had based on the 23rd Protocol of the Congress of 1856. It appeared, indeed, to him that the present case was one to which the reservation that each nation was the sole judge of its honour and its interests, was peculiarly applicable. He said, in conclusion, that he had sent through the French Ambassador in London a formal answer to the suggestion.

I observed to M. de Gramont that undoubtedly the Protocol did not contain any binding stipulations, but I added that it afforded an honourable and dignified means of avoiding war, to Powers who were willing to appeal to it, rather than proceed to extremities.

I have, &c.

(Signed) LYONS.

No. 108.

Lord Lyons to Earl Granville.—(Received July 20.)

My Lord,

Paris, July 19, 1870.

SINCE it became apparent that war between France and Prussia was imminent I have not failed to point out to the French Government the importance of acting with liberality in matters affecting the commerce of neutrals. I spoke in particular this afternoon to the Duc de Gramont on the subject, and dwelt on the good effect which a generous treatment of these matters could not fail to have upon the feelings of neutral nations towards France.

M. de Gramont said that the law of nations would be most scrupulously observed by France, and that I might be assured every proper consideration would be shown to neutral interests. He was not at the moment prepared to go into details, but he mentioned that it had been at first intended to allow merchant-vessels three weeks to quit French ports, but that now four weeks would probably be allowed.

I said that I had reason to think it probable that a longer period, six weeks perhaps, would be allowed by Prussia. M. de Gramont answered that, under existing circumstances, it was of course impossible for France to come to an understanding with Prussia, but that possibly the period now proposed by France might be extended. He could not at the moment give me any positive information, but he would make a satisfactory answer to my note of the day before yesterday, and would give me the earliest intelligence the intentions of the Government; in fact, a public declaration on the subject would very soon appear.

I have, &c.
(Signed) LYONS.

No. 109.

Lord Lyons to Earl Granville.—(Received July 20.)

My Lord,

Paris, July 19, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a notice stating that the Emperor has decided on not receiving volunteers or foreign officers at Imperial head-quarters or at the head-quarters of the different Corps d'Armée.

I am, &c.
(Signed) LYONS.

Inclosure in No. 109.

Extract from the "Journal Officiel" of July 19, 1870.

L'EMPEREUR a décidé de ne recevoir, soit au quartier Impérial, soit aux quartiers généraux des Corps d'Armée, aucun volontaire, aucun officier étranger,—en un mot, aucun individu étranger à l'armée.

(Translation.)

THE Emperor has decided not to receive either at the Imperial head-quarters, or at the head-quarters of the Corps d'Armée, any volunteer, any foreign officer; in a word, any person not belonging to the army.

No. 110.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 20, 1870.

I HAVE received your Excellency's despatch of the 19th instant,* reporting a suggestion made by the Bavarian Minister to the Duc de Gramont as to a general assurance to be obtained from the King of Prussia that, in the case of the Crown of Spain, he would follow the precedent acted upon by France when the Belgian Crown was

* No. 103.

offered to the Duc de Nemours; and by England, when Prince Alfred was elected King of Greece.

I have, however, to state to your Excellency, with reference to the belief expressed by M. de Gramont that a suggestion to the above effect had been recommended by Her Majesty's Government to that of Prussia, that no such recommendation has been addressed to that Government.

I am, &c.
(Signed) GRANVILLE.

No. 111.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 20, 1870.

I APPROVE of the language which your Excellency has held to the Duc de Gramont, as reported in your despatch of the 18th instant,* in reply to his Excellency's communication to you as to the non-acceptance by the French Government of the principle of mediation in their present difference with Prussia, which had been recommended by Her Majesty's Government.

I am, &c.
(Signed) GRANVILLE.

No. 112.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 20, 1870.

I HAVE received your Excellency's despatch of the 19th instant,† and I approve of the language which you held to the Duc de Gramont in conversation with his Excellency upon the question of the treatment of the commerce of neutrals, and the time to be allowed to merchant-vessels to leave French ports during the present crisis.

I am, &c.
(Signed) GRANVILLE.

No. 113.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 20, 1870.

I HAVE received your Excellency's despatch of the 18th instant;‡ and I have to state to you that Her Majesty's Government have received with the greatest satisfaction the assurance conveyed to you by the Duc de Gramont in regard to the intention of the French Government to respect the neutrality of Luxemburg and Holland.

I am, &c.
(Signed) GRANVILLE.

No. 114.

Earl Granville to Sir A. Buchanan.

Sir,

Foreign Office, July 20, 1870.

BARON BRUNNOW, when calling upon me on the 13th instant, and conversing with me on the differences between France and Prussia, expressed his anxiety to maintain European peace, and suggested to me whether an attempt might not be made by Her Majesty's Government to avert hostilities between them, and whether it might not be advisable that the other Great Powers should record in a Protocol the renunciation of Prince Leopold of Hohenzollern of the offer of the Crown of Spain that had been made to and accepted by him, and append to the Protocol his act of renunciation.

On the 18th instant his Excellency handed to me the inclosed Protocol which he had drafted, although he thought with me that the matter had gone too far to give much hope of success.

I am, &c.
(Signed) GRANVILLE.

* No. 107.

† No. 108.

‡ No. 105.

Inclosure in No. 114.

Draft of Protocol.

LE Principal Secrétaire d'Etat de Sa Majesté Britannique pour le Département des Affaires Etrangères a exprimé la haute satisfaction avec laquelle le Gouvernement de Sa Majesté a appris que Son Altesse le Prince Léopold de Hohenzollern, guidé par des considérations d'intérêt général, a spontanément décliné de se rendre aux vœux qui s'appelaient au Trône d'Espagne.

Les difficultés qui auraient pu résulter de cette éventualité ayant été heureusement aplanies, le Principal Secrétaire d'Etat a donné lecture de la notification officielle qui constate à cet égard les intentions de Son Altesse.

Appréciant d'un commun accord les nobles sentiments qui ont inspiré un acte de renonciation destiné à donner au maintien de la paix un nouveau gage de sécurité, les Plénipotentiaires ont été dûment autorisés à annexer le dit Acte au présent Protocole, revêtu de leur signature.

Fait à Londres, le Juillet, 1870.

(Translation.)

THE Principal Secretary of State for Foreign Affairs of Her Britannic Majesty expressed the great satisfaction with which the Government of Her Majesty had learnt that his Highness Prince Leopold of Hohenzollern, influenced by regard for the public interest, has spontaneously declined to yield to the wishes which called him to the Throne of Spain.

The difficulties which might have arisen from this event having been happily settled, the Principal Secretary of State read the official Notification, declaring the intentions of his Highness in this respect.

Appreciating in common the noble sentiments which have inspired an act of renunciation, destined to give a new pledge of security to the maintenance of peace, the Plenipotentiaries have been duly authorized to annex the said Act to the present Protocol signed by them.

Done at London, the day of July, 1870.

No. 115.

Mr. Bonar to Earl Granville.—(Received July 21.)

My Lord,

Berne, July 18, 1870.

THE Federal Council having asked of both the French and Prussian Governments a direct assurance that the position assured by Treaties to Switzerland would be observed, and both the integrity and neutrality of the territory of the Confederation strictly respected by the belligerent Powers in the event of war, an official answer has already been received by the President of the Confederation from the French Government, affording that assurance in the most unequivocal terms. From the Prussian Government the official answer has not yet had time to reach the Federal Council; but the verbal answer of M. de Thile, at Berlin, to the communication of M. Mercier, the Swiss Chargé d'Affaires, was completely satisfactory.

A representation having been made by the Federal Council to the Government of Baden relative to a small portion of the railway line which, between Constance and Bâle, crosses the Swiss territory, the Baden Government at once and unhesitatingly declared that such portion of the said railway would be strictly respected in the passage of troops, munitions of war, &c.

I have, &c.
(Signed) A. G. G. BONAR.

No. 116.

Lord A. Loftus to Earl Granville.—(Received July 21.)

My Lord,

Berlin, July 19, 1870.

WITH reference to my despatch of the 17th instant, forwarding the copy of a note which I had addressed to Count Bismarck, in compliance with the instructions conveyed to me in your Lordship's telegram of the 16th instant, I have now the honour to inclose a translation of the reply, dated yesterday, which I have received from his Excellency.

I have already had the honour to forward to your Lordship a summary of Count Bismarck's note by telegraph.

His Excellency, whilst expressing the gratitude of the King of Prussia for this humane and friendly endeavour of Her Majesty's Government to avert the calamity of a war between France and Prussia by the offer of its friendly mediation, says that Prussia could not take the initiative in such a negotiation, or enter into it without a previous assurance that France was a consenting party to it.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 116.

Count Bismarck to Lord A. Loftus.

(Translation.)

Berlin, July 18, 1870.

I HAVE laid before His Majesty the King without delay your Excellency's note of the 17th instant, proposing that Prussia and France should seek the good offices of some friendly Power for the maintenance of peace, and expressing at the same time the readiness of Her Britannic Majesty's Government to take any steps with a view to mediation which might be desired. I am commanded by His Majesty to express to your Excellency his feelings of gratitude for this friendly and humane endeavour to avert from two nations the calamity of a war which will injuriously affect the welfare of the whole of Europe, and to declare that his sincere love of peace, which no one has had a better opportunity of knowing than Her Majesty's Government, renders him at all times disposed to accept any negotiation which has for object to secure peace on a basis acceptable to the honour and national convictions of Germany.

But the possibility of entering into a negotiation of this nature could only be acquired by a previous assurance of the willingness of France to enter into it also. France took the initiative in the direction of war and adhered to it, after the first complication had, in the opinion also of England, been settled by removal of its cause.

If we were now to take the initiative in negotiating, it would be 'misunderstood by the national feelings of Germany, excited as they have been by the menaces of France.

Our strength lies in the national feeling of justice and honour, whereas the French Government prove that they do not require this support in their own country in the same measure.

In obeying the orders which I have received from the King, I request your Excellency to convey these, His Majesty's views, to Her Majesty's Government, and I avail, &c.

(Signed) VON BISMARCK.

No. 117.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 21, 1870.

THE Marquis de Lavalette called upon me to-day and communicated to me the substance of a despatch, dated the 19th instant, which had been addressed to him by the Duc de Gramont, and in which he was instructed to express the thanks of the Imperial Government for the consent given by Her Majesty's Government to the protection by Her Majesty's Diplomatic and Consular authorities of French interests in Germany, and generally for the friendly character of the neutrality which Her Majesty's Government had declared their intention to maintain.

M. de Gramont said that the Imperial Government considered that they were entitled

to look for this at the hands of Her Majesty's Government, not only on account of the righteousness of their cause, but also on account of the service rendered by them to all Europe in defending the great interests of the European balance of power. They trusted that the Queen's Ministers would, by their speeches in Parliament, endeavour to repress the want of appreciation of their conduct shown by a portion of the English press. History, however, would do justice to their motives in undertaking a war at once just and necessary.

The first duty of the Imperial Government, M. de Gramont said, had been to reassure Belgium. The Emperor had himself written to the King, and the Belgian Government had been informed that their neutrality would be respected by France, so long as it was not infringed by Prussia. The same language had been held to Switzerland and Luxemburg. Holland had expressed her desire to maintain a neutral attitude, and the Imperial Government have announced their satisfaction at the declaration.

These were proofs of the moderation of the Imperial Government, the more so as they had thereby renounced an important mode of attack on Prussia, namely, through Belgium and Luxemburg. The British Cabinet might, therefore, rest assured as to their intentions towards neutrals.

The Duc de Gramont said, further, in his despatch, that the Imperial Government were confident that no feeling of mistrust existed on the part of the British Government as to their intentions, and that the rumour of British troops being dispatched to occupy Belgium was totally void of foundation. Those who set afloat such a rumour seemed not to be aware that such a proceeding, if it were possible, would be contrary to the very principle they claimed to affirm.

The Marquis de Lavalette had reported me as having expressed sound views on the subject of neutrality, and M. de Gramont hoped opinion in England would bear me out in what I had said respecting enemies' vessels resorting to British ports, in order to attack French ships. The Imperial Government would scrupulously adhere to the principles laid down in the Declaration of the Congress of Paris, and they would shortly send to M. de Lavalette the instructions to their Consuls regarding French and Prussian merchant-vessels; and as soon as the war begins, the notification of which had already been sent to Berlin, they would publish their intentions respecting merchant-vessels.

The French army, the Duc de Gramont added, would have hospitably welcomed the English officers and correspondents who had applied to the Marquis de Lavalette for permission to accompany it; but the Etat Major-Général, with reference to possible inconvenience which might result from such permission being given, had decided that no strangers unconnected with the army should be allowed to follow the French armies into the field. M. de Lavalette was therefore instructed to express the regret of the Imperial Government that they were obliged to decline granting permission.

I stated to M. de Lavalette, in reply, that Her Majesty's Government were glad to perform toward the Imperial Government any friendly office consistent with the duties imposed upon them as neutrals; but that I did not think the present moment opportune, or that it would answer any useful purpose, now to discuss the questions adverted to by the Duc de Gramont as to the necessity and justice of the war.

I said that I was glad to have my anticipations confirmed that the French Government would scrupulously respect the interests and rights of neutrals, and that they would strictly adhere to the principles laid down in the Declaration of the Congress of Paris.

I am, &c.

(Signed) GRANVILLE.

No. 118.

Earl Granville to Lord Lyons.

(Telegraphic.)

Foreign Office, July 21, 1870, 8 P.M.

FRENCH declaration referred to in your telegram of to-day seems to apply only to German ships with cargoes for French ports on French account. It is presumed that it is intended to grant the same privileges for cargoes in German vessels for British ports on British account. Ascertain immediately and report by telegraph.

Lord Lyons to Earl Granville.—(Received July 22.)

My Lord,

Paris, July 21, 1870.

I RECEIVED, last night, from the Duc de Gramont a note in answer to the two notes which I addressed to him, in pursuance of instructions from your Lordship, on the 17th instant, as well as to that which, also in obedience to your Lordship's orders, I wrote to him on the 19th instant.

In answer to the request for early notice of the declaration of war, M. de Gramont sends me a copy of the announcement made by him to the Chambers yesterday.

The substance of this announcement was conveyed to your Lordship yesterday by my telegram of 3 P.M., and the text of it by my telegram of 4.10 P.M.

With reference to the suggestion of Her Majesty's Government that France should announce her intention to observe the principles laid down respecting belligerent rights at sea by the Declaration of the 16th of April, 1856, M. de Gramont communicates to me a draft of a note to that effect, which is to be addressed by the French Representatives abroad to the Governments to which they are accredited.

Finally, in answer to the request that Foreign Office messengers may be allowed to travel by railway, even when ordinary passengers are precluded from doing so, M. de Gramont says that it would be difficult for the French Government to make a formal engagement on the subject, but that all facilities compatible with the necessities of war will be given to British Government messengers.

By my telegram dated 11.35 P.M. yesterday, I made your Lordship acquainted with the substance of this note from M. de Gramont. I have now the honour to transmit to your Lordship copies of the note itself and its inclosures.

Your Lordship will not fail to observe that M. de Gramont's note says nothing on the subject of the length of time during which merchant-vessels will be allowed to sail to and from the ports of the belligerents with cargoes. This point was particularly dwelt upon in one of my notes of the 17th instant; and I have frequently pressed, verbally on M. de Gramont's attention the importance to British interests of obtaining early information on the subject. I spoke urgently in this sense to his Excellency yesterday. He said, in reply, that the intentions of the French Government respecting the treatment of merchant-vessels and of the subjects of belligerent States would be announced in the usual way in the official paper.

The "Journal Officiel" of this morning accordingly contains a notice on the subject of Prussian residents in France and her dependencies, and of merchant-vessels. I transmitted to your Lordship by telegraph this morning the text of the paragraph relating to merchant-vessels, and I have now the honour to inclose copies of the whole notice.

I have, &c.

(Signed) LYONS.

Inclosure 1 in No. 119.

The Duc de Gramont to Lord Lyons.

M. l'Ambassadeur,

Paris, le 20 Juillet, 1870.

VOTRE Excellence par deux lettres du 17 de ce mois m'a exprimé le désir d'être informée aussitôt que possible des dispositions que le Gouvernement de l'Empereur se propose de prendre à l'égard des neutres dans la guerre contre la Prusse.

Je m'empresse de lui envoyer ci-joint le texte de la déclaration communiquée aujourd'hui même aux Chambres et qui constate l'état de guerre existant entre la France et la Prusse ainsi qu'entre les Etats alliés qui lui prêtent contre nous le concours de leurs armes. J'y joins la copie d'une note dans laquelle est exposée la ligne de conduite que le Gouvernement compte suivre à l'égard des neutres. Ainsi que l'avait justement pressenti votre Excellence, la France respectera scrupuleusement les principes posés dans la Déclaration du Congrès de Paris du 16 Avril, 1856, et se propose d'observer ces règles mêmes à l'égard de l'Espagne et des Etats Unis, qui n'ont point adhéré à la Déclaration.

Vous m'avez fait également l'honneur de m'écrire pour demander que les courriers du Foreign Office soient admis à continuer leurs voyages par chemin de fer lors même que les voyageurs ordinaires en seraient exclus.

Il me serait difficile de prendre un engagement formel à ce sujet, mais votre Excel-

lence peut être assurée que toutes les facilités compatibles avec les exigences de l'état de guerre seront données aux courriers Anglais.

Agréez, &c.
(Signé) GRAMONT.

(Translation.)

M. l'Ambassadeur,

Paris, July 20, 1870.

YOUR Excellency has, in two letters dated the 17th of this month, expressed to me a wish to be informed as soon as possible of the measures which the Government of the Emperor proposes to take in regard to neutrals, in the war against Prussia.

I hasten to send you herewith the text of the declaration communicated this very day to the Chambers, and which announces the state of war existing between France and Prussia, as well as between the allied States, who lend her the assistance of their arms against us. I add thereto a copy of a note in which is set forth the line of conduct which the Government proposes to follow in regard to neutrals. As your Excellency had justly anticipated, France will scrupulously respect the principles laid down in the Declaration of Paris of 16th April, 1856, and intends to observe those rules even towards Spain and the United States, who have not adhered to the Declaration.

You have likewise done me the honour to write to me to ask that the Foreign Office messengers may be allowed to continue their journeys by railway, even when ordinary travellers are prevented from doing so.

It would be difficult for me to make a formal engagement on this subject, but your Excellency may be assured that all facilities compatible with the exigencies of a state of war will be given to the English messengers.

Receive, &c.
(Signed) GRAMONT.

Inclosure 2 in No. 119.

Declaration made to the Senate and to the Corps Législatif in the Sitting of July 20, 1870.

[See No. 121.]

Inclosure 3 in No. 119.

Draft of Note to be addressed to French Representatives.

[See No. 120.]

Inclosure 4 in No. 119.

Extract from the "Journal Officiel" of July 21, 1870.

Paris, le 20 Juillet, 1870.

L'EMPEREUR a décidé, sur la proposition de son Excellence le Ministre des Affaires Etrangères, que les sujets de la Prusse et des pays alliés qui lui prêtent contre nous le concours de leurs armes, se trouvant actuellement en France ou dans ses colonies, seraient autorisés à y continuer leur résidence, tant que leur conduite ne fournirait aucun motif de plainte.

L'admission sur le territoire Français des sujets de la Prusse et de ses alliés est, à partir de ce jour, subordonnée à des autorisations spéciales qui ne seront accordées qu'à titre exceptionnel.

En ce qui concerne les bâtiments de commerce ennemis actuellement dans les ports de l'Empire, ou qui y entreraient dans l'ignorance de l'état de guerre, Sa Majesté a bien voulu ordonner qu'ils auraient un délai de trente jours pour quitter ces ports. Il leur sera délivré des saufs-conduits pour pouvoir rentrer librement dans leurs ports d'attache, ou se rendre directement à leur port de destination.

Les bâtiments qui auront pris des cargaisons à destination de France et pour compte Français dans des ports ennemis ou neutres, antérieurement à la déclaration de guerre, ne sont pas sujets à capture. Ils pourront librement débarquer leur chargement dans les ports de l'Empire, et recevront des saufs-conduits pour retourner dans leurs ports d'attache.

(Translation.)

Paris, July 20, 1870.

THE Emperor has decided, on the proposal of his Excellency the Minister for Foreign Affairs, that the subjects of Prussia and of the allied countries which give her the assistance of their arms against us, who are actually in France or in her colonies, shall be authorized to continue to reside there as long as their conduct furnishes no motive for complaint.

The admission in French territory of subjects of Prussia and her allies is, from to-day, limited to special authorizations which will only be granted for exceptional reasons.

As concerns merchant-vessels belonging to the enemy which may be actually in the ports of the empire, or who may enter these ports in ignorance of the state of war, His Majesty has been pleased to order that they shall have a delay of thirty days for leaving these ports. Safe-conducts shall be delivered to them to enable them to return freely to their ports of despatch, or to the port of their destination.

The vessels which may take in cargoes destined for France and on French account in enemies' or neutral ports, before the declaration of war, are not subject to capture. They may freely disembark their freights in the ports of the Empire, and will receive safe-conducts in order to return to their ports of despatch.

No. 120.

*M. de Lavalette to Earl Granville.—(Received July 22.)**Londres, July 22, 1870.*

LE Soussigné, Ambassadeur de France à Londres, a reçu de son Gouvernement l'ordre d'adresser à son Excellence M. le Comte de Granville la communication suivante :—

Sa Majesté l'Empereur des Français s'est vue dans la nécessité, pour défendre l'honneur et les intérêts de la France en même temps que pour protéger l'équilibre général de l'Europe, de déclarer la guerre à la Prusse et aux pays allés qui lui prêtent contre nous le concours de leurs armes.

Sa Majesté a donné des ordres pour que, dans la poursuite de cette guerre, les Commandants de ces forces de terre et de mer observent scrupuleusement vis-à-vis des Puissances qui demeureront neutres les règles du droit international, et pour qu'ils se conforment notamment aux principes posés dans la Déclaration du Congrès de Paris du 16 Avril, 1856, savoir—

1. La course est et demeure abolie.

2. Le pavillon neutre couvre la marchandise ennemie, à l'exception de la contrebande de guerre.

3. La marchandise neutre, à l'exception de la contrebande de guerre, n'est pas saisissable sous pavillon ennemi.

4. Les blocus pour être obligatoires doivent être effectifs, c'est-à-dire, maintenus par une force suffisante pour interdire réellement l'accès du littoral à l'ennemi.

Bien que l'Espagne et les Etats Unis n'aient point adhéré à la Déclaration de 1856, les vaisseaux de Sa Majesté ne saisiront pas la propriété de l'ennemi chargé à bord d'un vaisseau Américain ou Espagnol à moins que cette propriété ne soit contrebande de guerre.

Sa Majesté ne compte pas non plus revendiquer le droit de confisquer la propriété des citoyens Américains ou Espagnols qui serait trouvée à bord des bâtiments ennemis.

L'Empereur a la confiance que, par une juste réciprocité, le Gouvernement de la Reine voudra bien prescrire des mesures pour que les autorités et les sujets Britanniques observent exactement, de leur côté, pendant la durée de cette guerre les devoirs d'une stricte neutralité.

Le Soussigné, &c.

(Signé)

LAVALETTE.

(Translation.)

London, July 22, 1870.

THE Undersigned, the French Ambassador in London, has received from his Government an order to address to his Excellency Earl Granville the following communication :—

His Majesty the Emperor of the French has felt himself obliged, in order to defend

the honour and interests of France, as well as to protect the balance of power in Europe, to declare war against Prussia, and against the Allied States which afford her the co-operation of their arms against us.

His Majesty has given orders that, in the prosecution of this war, the Commanders of his Forces, by land and sea, shall scrupulously observe towards such Powers as shall remain neutral the rules of international law, and shall especially conform to the principle laid down in the Declaration of the Congress of Paris of 16th April, 1856, which are as follows:—

1. Privateering is and remains abolished.

2. A neutral flag covers enemy's merchandize, with the exception of contraband of war.

3. Neutral merchandize, except contraband of war, is not liable to capture under an enemy's flag.

4. Blockades, in order to be binding, must be effectual; that is, they must be maintained by a force really sufficient to prevent the enemy from obtaining access to the coast.

Although Spain and the United States did not adhere to the Treaty of 1856, His Majesty's ships will not seize enemy's property sailing on board an American or Spanish vessel, unless such property is contraband of war.

Moreover His Majesty does not intend to vindicate his right of confiscating the property of American or Spanish subjects which may be found on board an enemy's vessel.

The Emperor is confident that, in just reciprocity, Her Majesty's Government will have the goodness to prescribe measures for the exact observance on their part, by the British authorities and subjects, of the duties of strict neutrality during this war.

The Undersigned, &c.

(Signed) LAVALETTE.

No. 121.

Declaration made to the Senate and to the Corps Législatif in the Sitting of July 20, 1870.—
(Communicated to Earl Granville by the Marquis de Lavalette, July 22.)

Messieurs,—L'exposé qui vous a été présenté dans la séance du 15 a fait connaître au Sénat et au Corps Législatif les justes causes de guerre que nous avons contre la Prusse.

Conformément aux règles d'usage, et par ordre de l'Empereur, j'ai invité le Chargé d'Affaires de France à notifier au Cabinet de Berlin notre résolution de poursuivre par les armes les garanties que nous n'avons pu obtenir par la discussion. Cette démarche a été accomplie et j'ai l'honneur de faire savoir au Sénat et au Corps Législatif qu'en conséquence l'état de guerre existe à partir du 19 Juillet entre la France et la Prusse. Cette déclaration s'applique également aux alliés de la Prusse qui lui prêtent contre nous leur concours armé.

(Translation.)

Messieurs,—The statement made to you at the sitting of the 15th has made known to the Senate and the Corps Législatif the just causes of the war against Prussia.

According to usage and by order of the Emperor, I have invited the Chargé d'Affaires of France to notify to the Cabinet of Berlin our resolution to seek by arms the guarantees we have failed in obtaining by discussion. This step has been taken, and I have the honour to announce to the Senate and the Corps Législatif that in consequence a state of war exists from the 19th of July between France and Prussia. This declaration applies equally to the allies of Prussia who may afford her armed assistance against us.

No. 122.

Lord Lyons to Earl Granville.—(Received July 24.)

My Lord,

Paris, July 22, 1870.

AT 11 o'clock last night I had the honour to receive your Lordship's telegram dated 8 p.m., by which I was directed to ascertain whether the privileges granted by the French Government to enemy's ships with cargoes for French ports on French account were to be considered as granted also to enemy's vessels with cargoes for British ports on British account.

This morning I sent Mr. West, Her Majesty's Secretary of Embassy, to M. Desprez, the Political Director in the French Foreign Office, in the hope that in this way I should obtain at once a favourable answer, and be able to communicate immediately to your Lordship by telegraph.

M. Desprez, however, referred Mr. West to a circular which had, he said, been sent to the French Representatives abroad for communication to the Governments to which they were accredited; and simply repeated the assurance that France would act up to the Declaration of 1856.

Upon being informed of this, I wrote an official note to M. de Gramont, and took it myself to his office. I found that he was attending a Council of Ministers at the Tuileries, and I could therefore do no more at that time than leave my note with a message.

In the evening I obtained an interview with M. de Gramont. He told me that an answer to my note had been prepared in the office, and he proceeded to read it to me. It stated that my question had been answered by anticipation in the negative, in a circular which had been sent to the Marquis de Lavalette to be communicated to Her Majesty's Government; and it went on to say that cargoes found on board captured ships would be restored on proof being given that they were British property.

I pointed out that this last observation was altogether beside the question. France was bound by the Declaration of 1856 not to seize neutral goods under the enemy's flag, and consequently this was a matter beyond discussion. The question now really before us was whether it was fair or friendly that the French Government should, for its own convenience, and from consideration for the interests of its own subjects, grant certain privileges to enemy's vessels having French cargoes on board which it denied to such vessels when their cargoes belonged to neutrals. There might possibly, I said, be peculiar circumstances attending the present case; but I thought that M. de Gramont could hardly maintain, as a general principle, that France could equitably exclude neutrals from making a use of the enemy's vessels which she allowed in the case of her own subjects. He would surely not expect neutrals to consider it just that France should take advantage of her belligerent rights in order to obtain exclusive commercial advantages for herself to their detriment; for instance, that she should permanently allow German vessels to pass unmolested to and from French ports, but should capture them if they traded with neutral ports.

A conversation of some length ensued, during which M. de Gramont expressed a strong desire to consider the interests of neutrals in general, and of Great Britain in particular. He observed that if the arrangement to which I objected was one which had been usually adopted at the beginning of wars, no just complaint could be made against France for enforcing it now. If, however, it was a novelty, or if it admitted of an exception, he should certainly be disposed to give England the full benefit of any further concession which could safely and properly be made.

He concluded by saying that, at all events, he would re-examine the question before sending an answer to my note.

I reminded him of the great importance which it was to British subjects engaged in trade to have positive information on the subject without delay.

I have already communicated the substance of this despatch to your Lordship, and I now do myself the honour to transmit to you a copy of my note to M. de Gramont.

I have, &c.
(Signed) LYONS.

Inclosure in No. 122.

Lord Lyons to the Duc de Gramont.

M. le Ministre,

Paris, July 22, 1870.

A NOTICE appeared in the official part of the "Journal Officiel" of yesterday, declaring the intentions of the Government of the Emperor with regard to merchant-vessels.

The notice would appear, according to the literal tenor of it, to apply only to enemy's ships with cargoes for French ports and on French account. Her Majesty's Government presume that it is intended to grant the same privileges for cargoes in enemy's vessels for British ports on British account.

The matter is of so much moment to British trading interests that Her Majesty's Government earnestly request the Government of the Emperor to give them a distinct answer respecting it with the least possible delay.

I shall be very much obliged if your Excellency will enable me to convey at once to Her Majesty's Government the information they are so anxious to obtain.

I have, &c.
(Signed) LYONS.

Lord Lyons to Earl Granville.—(Received July 24.)

My Lord,

Paris, July 23, 1870.

WITH reference to your Lordship's despatch of the 19th instant, I have the honour to transmit to your Lordship a copy of the despatch by which the Duc de Gramont directed the French Ambassador in London to decline, on the part of his Government, the suggestion made by Her Majesty's Government that in conformity with the 23rd Protocol of the Congress of 1856, France and Prussia should have recourse to the good offices of some third Power before going to war.

I am indebted to the Duc de Gramont for the copy of his despatch.

I have, &c.

(Signed) LYONS.

Inclosure in No. 123.

The Duc de Gramont to the Marquis de Lavalette.

M. le Marquis,

Paris, le 17 Juillet, 1870.

LE Cabinet de Londres, se référant au 23me Protocole du Congrès de Paris, a offert au Gouvernement de l'Empereur d'interposer entre la France et la Prusse son action médiatrice afin d'épargner à deux Puissances amies et à toute l'Europe le fléau de la guerre.

Nous sommes sincèrement reconnaissants au Gouvernement Britannique du sentiment qui a dicté sa démarche, et plus que personne nous apprécions l'inspiration généreuse de la règle qu'il invoque. Nous devons toutefois rappeler qu'en la consignant dans ses Protocoles le Congrès de Paris n'a pas entendu l'imposer d'une manière impérative aux Puissances, qui seules demeurent juges des exigences de leur honneur et de leurs intérêts. C'est ce qui a été expressément établi par la bouche du Comte de Clarendon à la suite d'observations présentées par le Plénipotentiaire Autrichien.

Quelle que pût être d'ailleurs en ce moment notre disposition à accepter les bons offices d'une Puissance amie, et en particulier de l'Angleterre, nous ne saurions accéder aujourd'hui à l'offre du Cabinet de Londres. En présence du refus du Roi de Prusse de nous donner des garanties que la politique de son Gouvernement nous avait mis dans la nécessité de lui demander pour prévenir la reprise de visées dynastiques dangereuses pour notre sécurité, en présence de l'offense que le Cabinet de Berlin a ajoutée à ce refus, le soin de notre dignité ne nous permet plus une autre conduite. Je l'ai fait savoir verbalement à Lord Lyons en le remerciant de sa démarche, et je vous prie de vous exprimer dans le même sens avec Lord Granville. A la veille d'une rupture que les efforts bienveillants des Puissances amies n'ont pas pu conjurer, l'opinion publique en Angleterre reconnaîtra que dans les circonstances actuelles le Gouvernement de l'Empereur n'a plus le choix de ses résolutions.

Agréé, &c.

(Signé) GRAMONT.

(Translation.)

M. le Marquis,

Paris, July 17, 1870.

THE Cabinet of London, referring to the 23rd Protocol of the Congress of Paris, has offered to the Government of the Emperor to interfere between France and Prussia its mediating action, in order to spare to two friendly Powers, and to all Europe, the scourge of war.

We are sincerely grateful to the British Government for the sentiment which has prompted this step, and we appreciate more than any one the generous inspiration of the rule to which it appeals. We must, however, recall that in recording it in the Protocols, the Congress of Paris did not profess to impose it in an imperative manner on the Powers, which alone remain the judges of the requirements of their honour and their interests. This was expressly laid down by Lord Clarendon, after the observations offered by the Austrian Plenipotentiary.

However disposed we might be at this moment to accept the good offices of a friendly Power, and especially of England, we could not now accede to the offer of the Cabinet of London. In face of the refusal of the King of Prussia to give us guarantees which the policy of his Government had forced us to demand in order to prevent the recurrence of

dynastic aims dangerous to our security, in face of the offence which the Cabinet of Berlin added to this refusal, the care of our dignity allows us no other course. I have stated this verbally to Lord Lyons when thanking him for his offer; and I beg you to speak to Lord Granville in the same sense. At the eve of a rupture which the kind efforts of friendly Powers have not been able to avert, public opinion in England will recognize that under existing circumstances the Emperor's Government has no longer the choice in its decisions.

Receive, &c.
(Signed) GRAMONT.

No. 124.

Lord Lyons to Earl Granville.—(Received July 25.)

My Lord,

Paris, July 24, 1870.

MY telegram dated 11.15 p.m. yesterday will have informed your Lordship that I received last night from the Duc de Gramont a note replying in the negative to the question whether the temporary privilege granted to enemies' ships bound to French ports with French cargoes did not extend also to enemies' ships bound to neutral ports with neutral cargoes.

I have now the honour to transmit to your Lordship a copy of this communication from M. de Gramont.

The note to foreign Governments, of which M. de Gramont incloses a copy, is that of which a draft was communicated to me by his Excellency on the 20th instant, and transmitted by me to your Lordship in my despatch of the following day. A note in exactly the same words appears to have been addressed to your Lordship by the French Ambassador in London on the following day.

I find on inquiry at the French Foreign Office that it is this same note which was held by the authorities there to convey by anticipation a negative answer to our question respecting enemies' ships bound with neutral cargoes to neutral ports. I am assured, moreover, that no other communication respecting the exercise of belligerent rights at sea during the present war has been addressed by the French Government to foreign Powers.

I have, &c.
(Signed) LYONS.

Inclosure in No. 124.

The Duc de Gramont to Lord Lyons.

M. l'Ambassadeur,

Paris, le 23 Juillet, 1870.

J'AI reçu la lettre que votre Excellence m'a fait l'honneur de m'écrire hier pour me demander, au nom de son Gouvernement, si la décision qui vient d'être prise en faveur des bâtiments ennemis à destination des ports de l'Empire, et chargés pour compte Français antérieurement à la déclaration de guerre, ne sera pas étendue à ceux de ces mêmes bâtiments qui, avant la date du 19 de ce mois, auront embarqué des cargaisons pour compte neutre à destination des ports neutres.

En adoptant les dispositions auxquelles se réfère la note insérée dans le "Journal Officiel" du 20, le Gouvernement de l'Empereur n'a eu d'autre pensée que d'aviser dans l'intérêt du commerce Français à une situation placée en dehors de celle que crée, pour le cas de guerre maritime, la Déclaration du Congrès de Paris du 16 Avril, 1856. En effet, sans une mesure exceptionnelle comme celle qui a été prise les navires dont il s'agit et leurs cargaisons tombaient sous l'application des principes généraux du droit des gens et devenaient passibles de confiscation en cas de capture.

Quant aux chargements neutres embarqués sous pavillon ennemi, ils sont couverts par le privilège général consacré en leur faveur par la Déclaration de 1856, et l'Ambassadeur de Sa Majesté à Londres a été chargé de faire connaître au Gouvernement de la Reine, par une note dont votre Excellence trouvera ci-joint copie, qu'en cas de capture de navires Allemands les cargaisons neutres qui seraient trouvées à bord seront restituées aux intéressés, sur justification de leur nationalité. Aller au-delà affranchir de saisie le bâtiment ennemi, par la seule raison qu'il est destiné pour un port neutre et qu'il a mis en mer avant la rupture des hostilités, serait l'abandon même du droit de guerre.

Permettez-moi d'ajouter, M. l'Ambassadeur, que la ligne de conduite que nous nous sommes tracée durant la guerre actuelle à l'égard des neutres et du pavillon ennemi est strictement conforme à celle que, sur les suggestions même de l'Angleterre et de concert avec elle, nous avons adoptée en 1854 lors de la guerre d'Orient.

Agréé, &c.
(Signé) GRAMONT.

(Translation.)

M. l'Ambassadeur,

Paris, July 23, 1870.

I HAVE received the letter which your Excellency did me the honour to write to me yesterday, asking me in the name of your Government if the decision just taken in favour of enemy's ships bound for ports of the Empire freighted on French account before the declaration of war would be extended to such of the said ships as may before the 19th of this month have shipped cargoes on neutral account for neutral ports.

In adopting the arrangements referred to in the note inserted in the "Journal Officiel" of the 20th, the Emperor's Government had no other intention than to provide, in the interest of French commerce, for a situation not included in the Declaration of the Congress of Paris of the 16th of April, 1856, as to maritime war. In fact, without an exceptional measure such as that which has been taken, the ships in question and their cargoes would have come under the application of the general principles of international law, and would have become liable to confiscation in case of capture.

With regard to neutral cargoes shipped under the enemy's flag, they are covered by the general privilege sanctioned in their favour by the Declaration of 1856, and His Majesty's Ambassador in London has been instructed to make known to the Government of the Queen, in a note of which your Excellency will find a copy herewith annexed, that in case of the capture of German ships, neutral cargoes which may be found on board them will be restored to the parties interested on proof of their nationality. To go further than this and free enemy's ships for the sole reason that they are bound to a neutral port, and have put to sea before the commencement of hostilities, would be an actual relinquishment of the rights of war.

Allow me to add, M. l'Ambassadeur, that the line of conduct which we have adopted during the present war in regard to neutrals and the enemy's flag is strictly in conformity with that which, at the suggestion of England and in concert with her, we adopted in 1854 during the war in the East.

Receive, &c.
(Signed) GRAMONT.

FRANCE AND PRUSSIA.

CORRESPONDENCE respecting the Negotiations
preliminary to the War between France and
Prussia, 1870.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON :

PRINTED BY HARRISON AND SONS.

FRANCO-PRUSSIAN WAR. No. 2 (1870).

FURTHER CORRESPONDENCE

RESPECTING THE

WAR

BETWEEN

FRANCE AND PRUSSIA.

1870.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON

PRINTED BY HARRISON AND SONS.

[C.—189.] Price 2d.

TABLE OF CONTENTS.

No.	Date.	SUBJECT.	Page
1. To Lord Lyons ..	July 25, 1870	Transmitting "Proposed Treaty between France and Prussia," published in the "Times" ..	1
2. " " ..	26,	Conversation with M. de Lavalette respecting the above ..	3
3. " " ..	26,	Lord A. Loftus' account of the proposed Treaty ..	3
4. Lord A. Loftus ..	23,	Conversation with Baron Thile respecting neutrality of Belgium	3
5. Count Bismarck to Count Bernstorff (Telegram)	28,	Previous negotiations with France	4
6. To Lord Lyons ..	29,	Substance of despatch from Duc de Gramont, communicated by M. de Lavalette	5
7. Lord A. Loftus ..	26,	Copy of Draft Treaty between France and Prussia ..	5
8. The Duc de Gramont to the Marquis de Lavalette	29,	M. Benedetti's explanations, with further observations ..	8

Further Correspondence respecting the War between France and Prussia, 1870.

No. 1.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 25, 1870.

I INCLOSE a copy of a document published in the "Times" of this day under the title of "Proposed Treaty between France and Prussia."

The ~~answer~~ which I have given in the House of Lords to a question put to me by Lord Stratford de Redcliffe is as follows:—

At the present time I can only give a very short answer.

I am not informed whence came the document which appeared in the "Times" of this morning, but I am not surprised that my noble friend Lord Stratford de Redcliffe should regard it as a very important document. I can only state the conviction of Her Majesty's Government that after the announcement of the alleged existence of such a draft of a Treaty, both the Governments of France and Prussia will be induced immediately and spontaneously to explain to Europe all that concerns this matter.

I am, &c.

(Signed) GRANVILLE.

Inclosure in No. 1.

Extract from the "Times" of July 25, 1870.

Proposed Treaty between France and Prussia.

SA Majesté le Roi de Prusse et Sa Majesté l'Empereur des Français, jugeant utile de resserrer les liens d'amitié qui les unissent et de consolider les rapports de bon voisinage heureusement existant entre les deux pays, convaincus d'autre part que pour atteindre ce résultat, propre d'ailleurs à assurer le maintien de la paix générale, il leur importe de s'entendre sur des questions qui intéressent leurs relations futures, ont résolu de conclure un Traité à cet effet, et nommé en conséquence pour leurs Plénipotentiaires, &c., savoir :

Sa Majesté, &c. ;

Sa Majesté, &c. ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Sa Majesté l'Empereur des Français admet et reconnaît les acquisitions que la Prusse a faites à la suite de la dernière guerre qu'elle a soutenue contre l'Autriche et contre ses alliés.

ARTICLE II.

Sa Majesté le Roi de Prusse promet de faciliter à la France l'acquisition du Luxembourg ; à cet effet la dite Majesté entrera en négociations avec Sa Majesté le Roi des Pays-Bas pour le déterminer à faire, à l'Empereur des Français, la cession de ses droits souverains sur ce Duché, moyennant telle compensation qui sera jugée suffisante ou autrement. De son côté l'Empereur des Français s'engage à assumer les charges pécuniaires que cette transaction peut comporter.

ARTICLE III.

Sa Majesté l'Empereur des Français ne s'opposera pas à une union fédérale de la Confédération du Nord avec les Etats du Midi de l'Allemagne, à l'exception de l'Autriche, laquelle union pourra être basée sur un Parlement commun, tout en respectant, dans une juste mesure, la souveraineté des dits Etats.

ARTICLE IV.

De son côté, Sa Majesté le Roi de Prusse, au cas où Sa Majesté l'Empereur des Français serait amené par les circonstances à faire entrer ses troupes en Belgique ou à la conquérir, accordera le secours de ses armes à la France, et il la soutiendra avec toutes ses forces de terre et de mer, envers et contre toute Puissance qui, dans cette éventualité, lui déclarerait la guerre.

ARTICLE V.

Pour assurer l'entière exécution des dispositions qui précèdent, Sa Majesté le Roi de Prusse et Sa Majesté l'Empereur des Français contractent, par le présent Traité, une alliance offensive et défensive qu'ils s'engagent solennellement à maintenir. Leurs Majestés s'obligent, en outre et notamment, à l'observer dans tous les cas où leurs Etats respectifs, dont elles se garantissent mutuellement l'intégrité, seraient menacés d'une agression, se tenant pour liées, en pareille conjoncture, de prendre sans retard, et de ne décliner sous aucun prétexte, les arrangements militaires qui seraient commandés par leur intérêt commun conformément aux clauses et prévisions ci-dessus énoncées.

(Translation.)

HIS Majesty the King of Prussia and His Majesty the Emperor of the French, deeming it useful to draw closer the bonds of friendship which unite them, and to consolidate the relations of good neighbourhood happily existing between the two countries, and being convinced, on the other hand, that to attain this result, which is calculated besides to assure the maintenance of the general peace, it behoves them to come to an understanding on questions which concern their future relations, have resolved to conclude a Treaty to this effect, and named in consequence as their Plenipotentiaries, that is to say,

His Majesty, &c. ;

His Majesty, &c. ;

Who, having exchanged their full powers, found to be in good and proper form, have agreed upon the following Articles :—

ARTICLE I.

His Majesty the Emperor of the French admits and recognizes the acquisitions which Prussia has made as the result of the last war which she sustained against Austria and her allies.

ARTICLE II.

His Majesty the King of Prussia promises to facilitate the acquisition of Luxemburg by France: to that effect His aforesaid Majesty will enter into negotiations with His Majesty the King of the Netherlands, to induce him to cede to the Emperor of the French his sovereign rights over that Duchy, in return for such compensation as shall be deemed sufficient or otherwise. On his part, the Emperor of the French engages to bear the pecuniary charges which this arrangement may involve.

ARTICLE III.

His Majesty the Emperor of the French will not oppose a federal union of the Confederation of the North with the Southern States of Germany, with the exception of Austria, which union may be based on a common Parliament, the sovereignty of the said States being duly respected.

ARTICLE IV.

On his part His Majesty the King of Prussia, in case His Majesty the Emperor of the French should be obliged by circumstances to cause his troops to enter Belgium, or to conquer it, will grant the succour of his arms to France, and will sustain her with all his forces of land and sea against every Power which, in that eventuality, should declare war upon her.

ARTICLE V.

To ensure the complete execution of the above arrangements, His Majesty the King of Prussia and His Majesty the Emperor of the French contract, by the present Treaty, an alliance offensive and defensive, which they solemnly engage to maintain. Their

Majesties engage moreover, and specifically, to observe it in every case in which their respective States, of which they mutually guarantee the integrity, should be menaced by aggression, holding themselves bound in such a conjuncture to make without delay, and not to decline on any pretext, the military arrangements which may be demanded by their common interest, conformably to the clauses and provisions above set forth.

No. 2.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 26, 1870.

M. DE LAVALETTE called on me to-day, and the conversation turned at once upon the draft Treaty between Prussia and France which was published in the "Times" of yesterday.

He told me that now that war had been declared between France and Prussia, there only remained for him two objects in his post here. These were to maintain intimate relations between the two Governments, and to preserve the friendly feelings, the growth of late years, between the two nations.

The plan contained in the alleged draft Treaty published in the "Times" was one which had been originated by M. de Bismarck, had been the subject of some conversation with M. Benedetti, but it never had any serious basis, and was rejected by both parties.

M. de Lavalette went on to say that the Government of the Emperor had absolutely respected the neutrality of Belgium, even when there was reason to complain of her conduct; that during the last month the Emperor had made a declaration to the Belgian Government, which had also been communicated by M. de Gramont to Lord Lyons, and which, M. de Lavalette said, I must know was absolutely binding on the honour of His Imperial Majesty, unless, indeed, the neutrality was violated by the other belligerent.

I assured M. de Lavalette that I had been long aware of his friendly disposition towards this country, and of his desire to maintain intimate relations between France and England. I would not fail to inform my colleagues of the statement that his Excellency had made to me.

I am, &c.

(Signed) GRANVILLE.

No. 3.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 26, 1870.

AS I have already apprized you by the telegraph, I have been informed by Her Majesty's Ambassador at Berlin that Count Bismarck would this day publish in the Berlin papers the text of a Treaty in five Articles which M. Benedetti is said to have proposed, on the part of France, to Prussia, when the question respecting the Belgian railways was in discussion.

The heads of the several Articles, as reported by Lord Augustus Loftus, correspond with the detailed version of the same Articles first published in the "Times," and transmitted to your Excellency in my despatch of yesterday.

Lord Augustus Loftus adds that the Minute of the Treaty is entirely in M. Benedetti's handwriting, and that Count Bernstorff was in possession of a copy of it.

I am, &c.

(Signed) GRANVILLE.

No. 4.

Lord A. Loftus to Earl Granville.—(Received July 26.)

My Lord,

Berlin, July 23, 1870.

IN conformity with the instructions of your Lordship's despatch of the 16th instant, received yesterday morning, I have stated to Baron Thile that Her Majesty's Ambassador at Paris had reported the language held to him by the Duc de Gramont, in

which he announced the determination of the French Government to respect the neutrality of Belgium; and that I was instructed by your Lordship to state to Count Bismarck that this declaration, spontaneously made by France, only confirms the confident expectation of Her Majesty's Government that both Prussia and France, even under the pressure of war, would scrupulously respect the Treaties of Neutrality to which they were parties.

Baron Thile replied to this communication, that the Government of the North German Confederation had expressed, on three different occasions, their determination to respect the neutrality of Belgium. They had done so verbally to Baron Nothomb, the Belgian Minister at this Court; they had repeated these assurances to the Belgian Government through their Representative at Brussels; and, lastly, a document to this effect, signed by Count Bismarck, had been addressed to Baron Nothomb. His Excellency added that the North German Government had also formally recognized the neutrality of Luxemburg, Holland, and Switzerland.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 5.

Count Bismarck to Count Bernstorff.—(*Communicated to Earl Granville by Count Bernstorff, July 28.*)

(Translation.)

(Telegraphic.)

Berlin, July 28, 1870.

YOUR Excellency will communicate to Lord Granville the following, reserving a further written explanation:—

The draft of Treaty published in the "Times" contains one of the numerous propositions which have been made to us since the Danish conflict up to recent times through official and non-official French Agents, in order to bring about a Treaty between Prussia and France for the object of mutual aggrandizement. I shall send to your Excellency the tenor of another proposal, made to us in June 1866, also planning an offensive and defensive alliance, according to which France promised to us the aid of 300,000 men against Austria, and an aggrandizement of six to eight millions for the cession of a tract of land between the Rhine and Moselle.

The impossibility for me to agree to such propositions was certainly clear to everybody, with the sole exception of the French diplomacy.

After we had refused to agree to this or other propositions in June 1866, the French Government began to speculate upon our defeat and the profit it might derive from it, and to prepare it diplomatically.

Since the patriotic "pang" of M. Rouher, France never ceased to lead us into temptation by propositions at the expense of Germany and Belgium. For the sake of peace I kept the secret, and treated the propositions in a dilatory manner.

When the more modest French designs, with reference to Luxemburg, had been counteracted by events which are publicly known, the more extensive propositions embracing Belgium and Southern Germany were renewed.

It is at this time, in 1867, that Count Benedetti's manuscript was communicated to me. That the French Ambassador should have drawn up this draft with his own hand and repeatedly have conferred with me on the subject without the consent of his Sovereign is improbable.

The different phases of French discontentment and warlike inclinations which we experienced from 1866 up to the Belgian railway question, coincided with the inclination or reluctance the French Agents expected to meet with on my part regarding these negotiations.

The final conviction that no territorial aggrandizement for France could be obtained with our co-operation has undoubtedly ripened the resolution to gain it by war against us.

I have even reason to believe that if this publication had not taken place France would have proposed to us, after the completion of her own and of our preparations for war, to enforce Count Benedetti's programme at the head of the two armies against unarmed Europe, that is to say, to conclude peace at the expense of Belgium. The draft of Treaty which is in our hands, and which Lord Augustus Loftus has seen, is from beginning to end, including the corrections, in Count Benedetti's own handwriting, well known to the English Ambassador. If the French Cabinet now denies tendencies for which it has constantly tried to obtain our consent since 1864 by varying promises and demands, this seems very natural under the present political circumstances.

(Signed) BISMARCK.

No. 6.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 29, 1870.

THE French Ambassador called upon me on the 28th instant, for the purpose of communicating to me the purport of a despatch which had been addressed to his Excellency by the French Minister for Foreign Affairs, on the subject of the pretended Draft Treaty published in the "Times."

In that despatch, which M. de Lavalette was good enough to read to me, the Duc de Gramont observed that the very form in which this Treaty was drawn up, and the terms in which it is couched, show clearly whence it came, and can deceive no one.

Those who have watched the course of European affairs since the accession to office of M. de Bismarck are aware from which side have come those suggestions which are now attributed to France. Ever since the year 1865, M. de Bismarck has constantly endeavoured to carry out his own plans by endeavouring to turn the attention of the French Government to territorial aggrandizement. He told M. Lefebvre de Béhaine, then Chargé d'Affaires at Berlin, that Prussia would willingly recognize the rights of France to extend her borders wherever the French language is spoken, thereby indicating certain Swiss Cantons, besides Belgium.

These overtures the Government of the Emperor declined to entertain.

The following year, immediately after the battle of Sadowa, similar proposals were made at Brunn to M. de Béhaine, and on this occasion Count Bismarck told him that the course of France was clear; the French Government should go to the King of Belgium and explain that the inevitable increase to Prussian territory and influence was most disquieting to their security, and that the sole means of avoiding these dangerous issues would be to unite the destinies of Belgium and France by bonds so close that the Belgian Monarchy—whose autonomy would, however, be respected—would become in the north a real bulwark of safety for France.

Further, reporting a conversation with Count Bismarck in July 1866, the French Ambassador informed his Government that he reported nothing new in stating that M. de Bismarck is of opinion that compensation should be sought by the French in Belgium, and offered to come to an understanding on the subject.

The Government of the Emperor, the Duc de Gramont went on to say, declined to listen to these proposals; and when at a later period they sought a rectification of their frontiers, they expressly declined in the discussion to mention even the name of Belgium.

The Duc de Gramont then points out, that if such designs against Belgium had really been entertained by his Government, it would have been easy to carry them out with the proffered assistance of Prussia, who was only anxious to secure the fruits of her victories.

These suggestions were again made at the time of the Luxemburg affair. They were unwillingly received, and categorically rejected by the Emperor.

Finally, the Marquis de Lavalette was instructed formally to assure Her Majesty's Government that in these proposals the initiative was entirely taken by the Prussian Cabinet.

M. de Lavalette then informed me that he had received instructions by telegraph to acquaint me that the document in the handwriting of M. Benedetti was written by him under the dictation of Count Bismarck, who wished to entangle the French Government in a conspiracy against the liberties of Belgium, and that then, as at other times, the scheme was positively rejected.

I am, &c.

(Signed) GRANVILLE.

No. 7.

Lord A. Loftus to Earl Granville.—(Received July 29, 7 P.M.)

My Lord,

Berlin, July 26, 1870.

WITH reference to my telegram of yesterday, I have now the honour to transmit to your Lordship a lithographed copy of the draft of the Treaty of Alliance, offensive and

defensive, which M. Benedetti proposed for the acceptance of the Prussian Government at the commencement of 1869, on the eve of the Belgian Railway Question.

The original, which I myself have seen, is in M. Benedetti's handwriting.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 7.

Draft of Treaty of Alliance, Offensive and Defensive, between France and Prussia.

[The variations from the text of the Draft Treaty as published in the "Times" (see Inclosure in No. 1) are indicated by Italics and Brackets.]

Von Benedetti.

SA Majesté le Roi de Prusse et Sa Majesté l'Empereur des Français jugeant utile de resserrer les liens d'amitié qui les unissent et de consolider les rapports de bon voisinage heureusement existants entre les deux pays, convaincus d'autre part que pour atteindre ce résultat, propre d'ailleurs à assurer le maintien de la paix générale, il leur importe de s'entendre sur des questions qui intéressent leurs relations futures, ont résolu de conclure un Traité à cet effet, et nommé en conséquence pour leurs Plénipotentiaires, savoir :

Sa Majesté, &c., &c. ;

Sa Majesté, &c., &c. ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Sa Majesté l'Empereur des Français admet et reconnaît les acquisitions que la Prusse a faites à la suite de la dernière guerre qu'elle a soutenue contre l'Autriche et contre ses alliés, [*ainsi que les arrangements pris ou à prendre pour la constitution d'une Confédération dans l'Allemagne du Nord, s'engageant en même temps à prêter son appui à la conservation de cette œuvre*].

ARTICLE II.

Sa Majesté le Roi de Prusse promet de faciliter à la France l'acquisition du Luxembourg ; à cet effet la dite Majesté entrera en négociations avec Sa Majesté le Roi des Pays-Bas pour le déterminer à faire, à l'Empereur des Français, la cession de ses droits souverains sur ce Duché, moyennant telle compensation qui sera jugée suffisante ou autrement. ~~De son côté, l'Empereur des Français s'engage à assumer les charges pécuniaires que cette transaction peut comporter.~~ [*Pour faciliter cette transaction, l'Empereur des Français, de son côté, s'engage à assumer accessoirement les charges pécuniaires qu'elle pourrait comporter.*]

ARTICLE III.

Sa Majesté l'Empereur des Français ne s'opposera pas à une union fédérale de la Confédération du Nord avec les Etats du Midi de l'Allemagne, à l'exception de l'Autriche, laquelle union pourra être basée sur un Parlement commun, tout en respectant, dans une juste mesure, la souveraineté des dits Etats.

ARTICLE IV.

De son côté, Sa Majesté le Roi de Prusse, au cas où Sa Majesté l'Empereur des Français serait amené par les circonstances à faire entrer ses troupes en Belgique ou à la conquérir, accordera le ~~secours~~ [*concours*] de ses armes à la France, et il la soutiendra avec toutes ses forces de terre et de mer, envers et contre toute Puissance qui, dans cette éventualité, lui déclarerait la guerre.

ARTICLE V.

Pour assurer l'entière exécution des dispositions qui précèdent, Sa Majesté le Roi de Prusse et Sa Majesté l'Empereur des Français contractent, par le présent Traité, une alliance offensive et défensive qu'ils s'engagent solennellement à maintenir. Leurs Majestés s'obligent, en outre et notamment, à l'observer dans tous les cas où leurs Etats respectifs, dont elles se garantissent mutuellement l'intégrité, seraient menacés d'une agression, se tenant pour liées, en pareille conjoncture, de prendre sans retard, et de ne décliner sous

aucun prétexte, les arrangements militaires qui seraient commandés par leur intérêt commun conformément aux clauses et prévisions ci-dessus énoncés.

(Translation.)

HIS Majesty the King of Prussia and His Majesty the Emperor of the French deeming it useful to draw closer the bonds of friendship which unite them, and to consolidate the relations of good neighbourhood happily existing between the two countries, and being convinced, on the other hand, that to attain this result, which is calculated besides to assure the maintenance of the general peace, it behoves them to come to an understanding on questions which concern their future relations, have resolved to conclude a Treaty to this effect, and named in consequence as their Plenipotentiaries, that is to say :—

His Majesty, &c., &c. ;

His Majesty, &c., &c. ;

Who, having exchanged their full powers, found to be in good and proper form, have agreed upon the following Articles :—

ARTICLE I.

His Majesty the Emperor of the French admits and recognizes the acquisitions which Prussia has made as the result of the last war which she sustained against Austria and her allies, [*as also the arrangements adopted or to be adopted for constituting a Confederation in North Germany, engaging, at the same time, to render his support for the maintenance of that work*].

ARTICLE II.

His Majesty the King of Prussia promises to facilitate the acquisition of Luxemburg by France : to that effect His aforesaid Majesty will enter into negotiations with His Majesty the King of the Netherlands, to induce him to cede to the Emperor of the French his sovereign rights over that Duchy, in return for such compensation as shall be deemed sufficient or otherwise. ~~On his part, the Emperor of the French engages to bear the pecuniary charges which this arrangement may involve.~~ [*In order to facilitate this arrangement, the Emperor of the French engages, on his part, to bear accessorially the pecuniary charges which it may involve.*]

ARTICLE III.

His Majesty the Emperor of the French will not oppose a federal union of the Confederation of the North with the Southern States of Germany, with the exception of Austria, which union may be based on a common Parliament, the sovereignty of the said States being duly respected.

ARTICLE IV.

On his part His Majesty the King of Prussia, in case His Majesty the Emperor of the French should be obliged by circumstances to cause his troops to enter Belgium, or to conquer it, will grant the ~~succour~~ [*co-operation*] of his arms to France, and will sustain her with all his forces of land and sea against every Power which, in that eventuality, should declare war upon her.

ARTICLE V.

To ensure the complete execution of the above arrangements, His Majesty the King of Prussia and His Majesty the Emperor of the French contract, by the present Treaty, an alliance offensive and defensive, which they solemnly engage to maintain. Their Majesties engage moreover, and specifically, to observe it in every case in which their respective States, of which they mutually guarantee the integrity, should be menaced by aggression, holding themselves bound in such a conjuncture to make without delay, and not to decline on any pretext, the military arrangements which may be demanded by their common interest, conformably to the clauses and provisions above set forth.

The Duc de Gramont to M. de Lavalette.—(Communicated to Earl Granville by M. de Lavalette, July 30.)

M. le Marquis,

Paris, le 29 Juillet, 1870.

LA dépêche que je vous ai adressée le 27, ainsi que celle que je vous ai écrite en date d'hier, au sujet des publications provoquées en Angleterre par le Cabinet de Berlin, vous ont déjà éclairé sur la valeur de ses affirmations. La polémique des journaux se prolongeant à ce sujet, sous l'influence des mêmes inspirations qui l'ont soulevée, je crois utile de vous communiquer une lettre que je viens de recevoir de M. le Comte Benedetti, et dans laquelle il rétablit, avec la connaissance personnelle de la négociation dont il s'agit, la vérité des faits.

Vous trouverez ce document ci-joint, et vous pourrez le remettre à Lord Granville. J'ai la persuasion qu'après ces explications pleines de franchise, le Gouvernement de la Reine et l'opinion publique en Angleterre reconnaîtront qu'il n'y a pas lieu de s'arrêter plus longtemps à la prétendue révélation du Comte de Bismarck. A court d'arguments pour défendre sa politique dans la question qui a fait éclater la guerre, le Chancelier Fédéral a espéré donner le change aux esprits sur le caractère de la nôtre. Il n'y est pas parvenu jusqu'ici, et quelles que soient les assertions nouvelles qu'il produit dans sa dépêche au Comte de Bernstorff, dont vous m'indiquez la substance par le télégraphe, il ne réussira pas à se dégager de la responsabilité qu'il cherche à faire peser sur nous. Je me réserve de discuter les allégations de cette dépêche dès que je la connaîtrai *in extenso* et je suis en mesure d'y opposer les dénégations les plus absolues.

Vous pouvez, si vous le jugez utile, laisser la présente lettre entre les mains de Lord Granville, en même temps que vous lui donnerez une copie de celle de M. Benedetti.

Agréé, &c.

(Signé) GRAMONT.

(Translation.)

M. le Marquis,

Paris, July 29, 1870.

THE despatch which I addressed to you on the 27th, as well as the one which I wrote to you yesterday on the subject of the publications called forth in England by the Cabinet of Berlin, have already enlightened you as to the value of the statements contained in them. As the discussion in the newspapers on this subject still goes on under the influence of the same inspirations which originated it, I think it useful to communicate to you a letter which I have just received from Count Benedetti, in which he re-establishes, by his personal knowledge of the negotiation in question, the truth of the facts.

You will find this document annexed, and you may give it to Lord Granville. I am convinced that, after these frank explanations, the Government of the Queen and public opinion in England will see that there is no occasion to dwell any longer on the pretended revelation of Count Bismarck. Being in want of arguments to defend his policy in regard to the question which caused the war, the Federal Chancellor hoped to mislead public opinion as to the nature of our policy. He has not hitherto succeeded, and whatever may be the new assertions which he brings forward in his despatch to Count Bernstorff, the substance of which you have communicated to me by telegraph, he will not succeed in getting rid of the responsibility which he is endeavouring to lay upon us. I delay the discussion of the allegations of this despatch until I know it *in extenso*, and am in a position to give it the most absolute denial.

You may, if you think it useful, leave this letter in the hands of Lord Granville at the same time that you give him a copy of that of M. Benedetti.

Receive, &c.

(Signed) GRAMONT.

Inclosure in No. 8.

M. Benedetti to the Duc de Gramont.

M. le Duc,

Paris, le 29 Juillet, 1870.

SI injustes qu'elles fussent, je n'ai pas cru convenable de relever les appréciations dont j'ai été personnellement l'objet quand on a appris en France que le Prince de Hohenzollern avait accepté la Couronne d'Espagne. Ainsi que mon devoir me le commandait, j'ai laissé au Gouvernement de l'Empire le soin de les redresser. Je ne puis garder le

même silence devant l'usage que M. le Comte de Bismarck a fait d'un document auquel il cherche à donner une valeur qu'il n'a jamais eue, et je demande à votre Excellence de rétablir les faits dans toute leur exactitude.

Il est de notoriété publique que M. le Comte de Bismarck nous a offert, avant et pendant la dernière guerre, de contribuer à réunir la Belgique à la France en compensation des agrandissements qu'il ambitionnait et qu'il a obtenus pour la Prusse. Je pourrais, à cet égard, invoquer le témoignage de toute la diplomatie Européenne, qui n'a rien ignoré.

Le Gouvernement de l'Empereur a constamment décliné ces ouvertures, et l'un de vos prédécesseurs, M. Drouyn de Lhuys, est en mesure de donner, à cet égard, des explications qui ne laisseraient subsister aucun doute. Au moment de la conclusion de la paix de Prague, et en présence de l'émotion que soulevait en France l'annexion du Hanovre, de la Hesse Electorale, et de la Ville de Francfort à la Prusse, M. de Bismarck témoigna de nouveau le plus vif désir de rétablir l'équilibre rompu par ces acquisitions. Diverses combinaisons respectant l'intégrité des Etats voisins de la France et de l'Allemagne furent mises en avant; elles devinrent l'objet de plusieurs entretiens pendant lesquels M. de Bismarck inclinait toujours à faire prévaloir ses idées personnelles.

Dans une de ces conversations, et afin de me rendre un compte exact de ses combinaisons, j'ai consenti à les transcrire en quelque sorte sous sa dictée. La forme non moins que le fond démontre clairement que je me suis borné à reproduire un projet conçu et développé par lui. M. de Bismarck garda cette rédaction, voulant la soumettre au Roi. De mon côté je rendis compte en substance au Gouvernement Impérial des communications qui m'auraient été faites. L'Empereur les repoussa dès qu'elles parvinrent à sa connaissance. Je dois dire que le Roi de Prusse lui-même ne parut pas vouloir en agréer la base, et depuis cette époque, c'est-à-dire, pendant les quatre dernières années, je ne suis plus entré dans aucun nouvel échange d'idées à ce sujet avec M. de Bismarck.

Si l'initiative d'un pareil Traité eut été prise par le Gouvernement de l'Empereur le projet aurait été libellé par le Ministère, et je n'aurais pas eu à en produire une copie écrite de ma main; il eut été d'ailleurs autrement rédigé, et il aurait donné lieu à des négociations qui eussent été simultanément poursuivies à Paris et à Berlin. Dans ce cas M. de Bismarck ne se serait pas contenté d'en livrer indirectement le texte à la publicité, au moment surtout où votre Excellence rectifiait dans des dépêches, qui étaient insérées au "Journal Officiel," d'autres erreurs qu'on cherchait également à propager. Mais pour atteindre le but qu'il s'est proposé, celui d'égarer l'opinion publique et de prévenir les indiscretions que nous aurions pu nous permettre nous-mêmes, il a usé de cet expédient, qui le dispensait de préciser à quel moment, dans quelles circonstances, et de quelle manière ce document avait été transcrit. Il s'est évidemment flatté de suggérer, grâce à ces omissions, des conjectures qui, en dégageant sa responsabilité personnelle, devaient compromettre celle du Gouvernement de l'Empereur. De pareils procédés n'ont pas besoin d'être qualifiés; il suffit de les signaler en les livrant à l'appréciation du public Européen.

Veillez, &c.
(Signé) BENEDETTI.

(Translation.)

M. le Duc,

Paris, July 29, 1870.

UNJUST as they were, I did not think it proper to notice the observations which were made upon me personally, when it was known in France that the Prince of Hohenzollern had accepted the Crown of Spain. As in duty bound, I left to the Government of the Emperor the task of setting them right. I could not keep the same silence in face of the use which Count Bismarck has made of a document to which he seeks to give a value which it never possessed, and I request your Excellency's leave to re-establish the facts exactly as they occurred.

It is a matter of public notoriety that Count Bismarck offered us, before and during the last war, to assist in uniting Belgium to France, as a compensation for the aggrandizements of which he was ambitious, and which he obtained for Prussia. I might, on this point, appeal to the testimony of the entire diplomacy of Europe, to whom the whole affair was known.

The Government of the Emperor constantly declined these overtures, and one of your predecessors, M. Drouyn de Lhuys, is in a position to give, on this subject, explanations which must remove every doubt. At the moment of the conclusion of the Peace of Prague, and in face of the emotion which was excited in France by the annexation to Prussia of Hanover, of Electoral Hesse, and of the town of Frankfort, M. de Bismarck again showed the strongest desire to re-establish the balance of power, which had been disturbed by these

acquisitions. Various combinations having reference to the integrity of the States neighbours of France and Germany were put forward; they became the subject of several conversations, during which M. de Bismarck was always disposed to make his personal ideas prevail.

In one of these conversations, and in order to give myself an exact idea of his combinations, I consented to transcribe them in a manner (*"en quelque sorte"*) at his dictation. The form, no less than the substance, shows clearly that I confined myself to reproducing a project conceived and developed by him. M. de Bismarck kept this document, wishing to submit it to the King. On my side, I reported in substance to the Imperial Government the communications which had been made to me. The Emperor rejected them as soon as they came to his knowledge. I am bound to say that the King of Prussia himself did not seem to wish to accept the basis of them; and since that time, that is to say, during the last four years, I have never again entered upon any new exchange of ideas on the subject with M. de Bismarck.

If the initiative of such a Treaty had been taken by the Government of the Emperor, the project would have been drafted by the Foreign Office, and I should not have had to produce a copy of it in my own handwriting; it would, besides, have been drawn up differently, and it would have led to negotiations which would have been simultaneously carried on at Paris and Berlin. In that case M. de Bismarck would not have been satisfied with indirectly publishing the text, particularly at a time when your Excellency was correcting, in despatches which were inserted in the *"Journal Officiel,"* other errors which attempts were also being made to propagate. But in order to attain the end which he had in view—that of misleading public opinion, and anticipating the revelations which we ourselves might have made—he employed this expedient, which relieved him from the necessity of defining at what time, under what circumstances, and in what manner this document had been written. He evidently flattered himself that, thanks to these omissions, he should suggest conjectures which, whilst freeing his personal responsibility, would compromise that of the Emperor's Government. Such proceedings need no comment; it is enough to point them out, by submitting them to the appreciation of the public opinion of Europe.

Receive, &c.
(Signed) **BENEDETTI.**

FRANCO-PRUSSIAN WAR.
No. 2 (1870).

FURTHER CORRESPONDENCE respecting the War
between France and Prussia, 1870.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty.* 1870.

LONDON :

PRINTED BY HARRISON AND SONS.

115
FRANCO-PRUSSIAN WAR. No. 3 (1870).

FURTHER CORRESPONDENCE

RESPECTING THE

WAR

BETWEEN

FRANCE AND PRUSSIA:

1870.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON

PRINTED BY HARRISON AND SONS.

[C.—210.] Price 1s. 2d.

TABLE OF CONTENTS.

No.	Date.	SUBJECT.	Page
1. Sir H. Howard ..	July 17, 1870	Determination of Bavaria to co-operate with Prussia	1
2. Mr. Gordon ..	17,	Public meeting at Stuttgart	1
3. Lord A. Loftus ..	19,	King of Prussia's speech at opening of Reichsrath	2
4. " " ..	19,	Intentions of Prussian Government in regard to French and neutral merchant-vessels ..	3
5. To Lord A. Loftus ..	21,	Conversation with Count Bernstorff respecting export of horses and coal from England ..	4
6. To Vice-Admiral Harris	21,	Satisfaction at determination of Holland to maintain neutrality	4
7. Sir H. Howard ..	19,	Preparations for war in Bavaria. Application to Chambers for subsidy	4
8. Count Bismarck to Count Bernstorff	19,	Inclosing documents justifying policy of Prussia. Memorandum of occurrences at Ems ..	5
9. " " ..	19,	Copy of French declaration of war. Observations thereon	8
10. Mr. Bonar ..	20,	Neutrality of Switzerland, and claim to occupy North Savoy during war. Copy of note from Federal Government	10
11. Lord Lyons ..	23,	Emperor's Proclamation to the French people ..	12
12. " " ..	23,	Address of Corps Législatif to Emperor, and His Majesty's answer	13
13. Count Bernstorff ..	24,	Representations as to alleged employment of British colliers to supply French fleet ..	15
14. Vice-Admiral Harris ..	21,	Despatch from Luxemburg Minister on demolition of the city fortifications	15
15. Lord Lyons ..	24,	Geneva Convention respecting wounded in war to be acted upon by French	18
16. " " ..	24,	Protection of French subjects in Germany. Notice in "Journal Officiel"	19
17. To Lord Lyons ..	25,	Approve language respecting distinction between enemy's ships bound for French and neutral ports	20
18. " " ..	25,	Secret Treaty published in the "Times." Language in the House of Lords	20
19. Sir A. Buchanan ..	20,	Emperor's declaration of neutrality whilst Russian interests are not threatened ..	22
20. Lord Bloomfield ..	16,	Unofficial assurances of Austrian neutrality whilst Russia maintains the same course ..	22
21. " " ..	20,	Language of Count Beust as to attitude of Austria	22
22. Lord A. Loftus ..	17,	Neutrality of Luxemburg. France and Prussia engage to respect it	23
23. " " ..	18,	Conversation with Count Bismarck. His regret at the war	23
24. " " ..	19,	French Chargé d'Affaires instructed to notify a state of war, and ask for his passports. Arrangements for protection of French subjects	23
25. " " ..	22,	Address of Federal Parliament to the King of Prussia	25
26. " " ..	22,	Contradiction of language attributed to Lord Granville at Stuttgart communicated to Baron Thile	26
27. " " ..	23,	Ordinance exempting French merchant-vessels from capture	26
28. " " ..	23,	Communications with Prussian Government respecting treatment of neutrals at sea. Declaration of Paris will be observed by Prussia	27

No.	Date.	SUBJECT.	Page
29. Lord A. Loftus ..	July 23, 1870	Conversation with Baron Thile respecting neutrality of Belgium	28
30. " " ..	23,	Translation of documents relating to rupture with France laid before Federal Parliament .	28
31. " " ..	23,	Proceedings in the Federal Parliament ..	30
32. Mr. Lumley ..	22,	Belgian official declaration of neutrality ..	32
33. Lord Lyons ..	25,	Declaration published in "Journal Officiel" of intention of France to observe Maritime Declaration of Paris Congress ..	33
34. To Lord Lyons ..	26,	Lord A. Loftus telegraphs that Secret Treaty is to be published at Berlin ..	34
35. " " ..	26,	Conversation with M. de Lavalette respecting "Proposed Treaty between France and Prussia," published in the "Times" ..	34
36. M. de Lavalette ..	25,	Official application respecting protection of French subjects in Germany ..	35
37. To M. de Lavalette ..	26,	Official acceptance of protection of French subjects in Germany ..	35
38. Sir H. Howard ..	23,	Arrangements for protection of French subjects in Bavaria, and Bavarians in France ..	35
39. " " ..	23,	Complimentary telegrams between Kings of Prussia and Bavaria on the latter joining the war.. ..	36
40. Mr. Bonar ..	23,	Assurances from Prussia of respect for neutrality of Switzerland ..	36
41. Lord Lyons ..	26,	Circular of Duc de Gramont defending policy of France ..	37
42. " " ..	26,	Statement from "Journal Officiel" that coal is not contraband of war.. ..	40
43. To Lord Lyons (and Lord A. Loftus)	27,	Would services of Committee for relief of sick and wounded be accepted by French and Prussian Governments?.. ..	41
44. Count Bismarck to Count Bernstorff	28,	Explanations as to Draft Secret Treaty ..	41
45. Mr. Layard ..	25,	Spanish Government had no reason to expect violent opposition from France to election of Prince Leopold ..	42
46. " " ..	25,	As to date at which Mr. Layard reported choice of Prince Leopold ..	42
47. Lord Lyons ..	27,	Extract from "Journal Officiel" respecting treatment of prisoners of war ..	43
48. " " ..	27,	Extract from "Journal Officiel" as to penalty for furnishing funds to the enemy ..	43
49. " " ..	27,	Draft Secret Treaty. Explanations in "Journal Officiel" ..	44
50. To Vice-Admiral Harris	28,	Satisfaction at assurances respecting neutrality of Luxemburg ..	44
51. Lord A. Loftus ..	25,	Consul Hertlet's inquiries as to sale of Prussian merchant-vessels to British subjects ..	45
52. " " ..	26,	Sending lithographed copy of Draft Treaty ..	45
53. To Lord Lyons ..	29,	Distinction made by French Government between enemy's ships bound to French and neutral ports is not a violation of neutral right ..	47
54. " " ..	29,	Explanations of French Ambassador respecting Draft Treaty.. ..	47
55. To President of Swiss Confederation	29,	Acknowledging letter respecting neutrality of Switzerland ..	48
56. Mr. Bonar ..	26,	Acceptance by France and Germany of principles of the Geneva Convention as a <i>modus vivendi</i> ..	49
57. The Duc de Gramont to M. de Lavalette	29,	Despatch from Count Benedetti respecting Draft Treaty ..	51
58. Lord Lyons ..	29,	Duc de Gramont's acknowledgments of correctness of Lord Lyons' reports of conversations with him ..	53
59. " " ..	29,	Duc de Gramont announces intentions as to withdrawal of troops from Rome ..	53
60. " " ..	29,	Duc de Gramont's explanations and admissions respecting the draft Treaty ..	54
61. To Lord Lyons ..	30,	Satisfaction at Duc de Gramont's confirmation of Lord Lyons' reports in No. 58.. ..	54
62. " " ..	30,	Approve language respecting Draft Treaty in No. 60 ..	54
63. To Lord Lyons (and Lord A. Loftus)	30,	Proposing to sign Treaty respecting neutrality of Belgium ..	55

TABLE OF CONTENTS.

V

No.	Date.	SUBJECT.	Page
95. To Lord A. Loftus ..	Aug. 4, 1870	Draft of proposed new Belgian Treaty for communication to Count Bismarck	81
96. " " ..	4,	More horses sent to German ports than to French, as shown by Treasury Reports ..	82
97. To Mr. Lumley ..	4,	Draft of proposed new Belgian Treaty for communication to Belgian Government ..	82
98. Lord A. Loftus ..	1,	Departure of King and Prince Charles for the army. Royal Proclamation	83
99. To Lord A. Loftus ..	5,	Count Bernstorff announces readiness of Prussia to accede to proposed new Belgian Treaty ..	83
100. Lord Lyons . ..	5,	Duc de Gramont will take orders of the Emperor as to proposed Convention for securing neutrality of Belgium	84
101. To Lord Lyons ..	6,	Explanations with reference to Duc de Gramont's observations on Draft Belgian Treaty.	84
102. To Lord A. Loftus ..	6,	Satisfaction of Her Majesty's Government at readiness of Prussia to join in proposed Treaty. Explanations on certain points ..	84
103. M. de Lavalette ..	3,	Duc de Gramont's refutation of statements in French circular in regard to occurrences preceding the war	85
104. " " ..	5,	Duc de Gramont's Circular explanatory of the Draft Franco-Prussian Treaty	85
105. Count Bernstorff ..	4,	A private letter from Hull the ground of Prussian complaints of impediments to exportation of horses from England	90
106. To Lord Lyons ..	6,	Prussian acceptance of Draft Treaty. Certain explanations communicated to Count Bernstorff	90
107. " " ..	6,	Interviews with M. de Lavalette respecting the Draft Treaty. French proposals for modifications declined	90
108. Memorandum by Earl Granville	7,	Explanations respecting certain points in proposed Treaty (communicated to Count Apponyi and Baron Brunnov)	91
109. To Lord Bloomfield (and Sir A. Buchanan)	7,	Ditto	91
110. Lord Lyons ..	7,	Has communicated explanations respecting proposed Treaty. The Duc de Gramont has instructed M. de Lavalette	92
111. To Mr. Layard ..	8,	Mr. Otway notified to House of Commons in May that question of election of German Prince had been reported from Madrid ..	92
112. M. de Lavalette ..	9,	Modifications desired by France in proposed new Treaty as a condition of acceptance ..	92
113. To M. de Lavalette ..	9,	Formal record of explanations in regard to proposed Treaty requested by French Government	93
114. M. de Lavalette ..	9,	Receipt of above. Accepts the Treaty, and will sign on receipt of full powers	94
115. To Lord A. Loftus ..	9,	Has signed Treaty with Count Bernstorff ..	95
116. To Lord Lyons ..	9,	Copies of communications with M. de Lavalette, resulting in his acceptance of the Treaty ..	95
117. " " ..	9,	Has signed Treaty with Count Bernstorff ..	95
118. To Sir A. Buchanan .	10,	Treaty signed with Count Bernstorff, and to be signed with M. de Lavalette	95
119. To Lord Lyons ..	10,	Explanations with Count Bernstorff as to supposed secret Treaties between France and Italy and other Powers. As to securing Italian and Danish neutrality	96
120. " " ..	11,	Treaty signed with M. de Lavalette, with verbal addition only	96
121. To Her Majesty's Representatives and Consuls in Germany	11,	Explanations with reference to impression in Germany that England has departed from neutrality in favouring France in regard to supplies of coal, horses, and munitions of war	97

Further Correspondence respecting the War between France and Prussia : 1870.

No. 1.

Sir H. Howard to Earl Granville.—(Received July 20.)

(Extract.)

Munich, July 17, 1870.

I HAVE just seen Count Bray, who acquainted me that the Bavarian Cabinet had taken yesterday evening the decision which the King had sanctioned, in fulfilment of their Treaty obligations, to co-operate with Prussia in the coming war with France, and that he had communicated this decision last night to the Prussian Minister without entering into any discussion in respect to the *casus fœderis*. His Excellency remarked to me that it was impossible for Bavaria to take any other course, as a neutrality would be out of the question. He stated that he had not attached to his co-operation any conditions, but had intimated that he expected Bavaria would not be worse treated after the war than before.

No. 2.

Mr. Gordon to Earl Granville.—(Received July 20.)

My Lord,

Stuttgart, July 17, 1870.

A NUMEROUSLY attended and very enthusiastic meeting here last night, in one of the largest halls in this city, passed unanimously, and with the greatest excitement, the following declaration :—

“The war between France and Prussia is a national war. Its events will decide as to the future of our people. It has been conjured up by France on a frivolous pretext, in order to thrust Germany back into its ancient powerlessness and dismemberment, and to sever German countries from the territory of the Fatherland. In such a war there must be no party among Germans. The hour of trial is now come for the Treaties of Alliance. We expect from the Wurtemberg Government, especially that they will hold fast to the German cause with all the resources in their power and undeterred by any danger. The people will stand closely by the side of a Government which in time of trial manifests itself as truly German.”

The proceedings were very quickly over, as the meeting would not tolerate long speeches of commonplaces from any one, whereas a few short hearty and somewhat violent addresses were enthusiastically applauded, especially when the sentiments of the renunciation of all party agitation, the oneness of Germany, and the determination of the South this time to bear its share in advancing German unity were proclaimed, or when the meeting was exhorted to exercise endurance and courage under possible temporary defeat, whilst maintaining the utmost confidence in the ultimate favourable result to the German cause.

I shall be much mistaken if this meeting does not meet with repeated response in all parts of the country.

I have, &c.
(Signed) G. J. R. GORDON.

Lord A. Loftus to Earl Granville.—(Received July 21.)

My Lord,

Berlin, July 19, 1870.

I HAVE the honour to inclose translation of the Speech delivered by His Majesty the King of Prussia at the opening of the North German Reichstag, which ceremony took place this day in the White Hall of the Palace.

His Majesty appeared to be much moved by the enthusiastic cheers which greeted him from all sides.

The passages in the Royal Speech which elicited the loudest applause were those referring to the maintenance of the honour and independence of Germany, and to the ruling powers in France having misled the French people for the purpose of gratifying their own personal interests and passions.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 3.

Speech of the King of Prussia at the Opening of the North German Reichstag.

(Translation.)

Honourable Gentlemen of the Reichstag of the North German Confederation!

ON welcoming you, in the name of the Confederate Governments on your last assembling in this place, I was in a position to declare, with joyful thankfulness, that my sincere efforts to meet the wishes of the people and the requirements of civilization by preventing any breach of the peace, had, by God's help, not been unsuccessful.

If, notwithstanding this, the menace and danger of war have imposed on the Confederate Governments the duty of summoning you to an extraordinary Session, you as well as ourselves will have the lively convictions that the North German Confederation were endeavouring to develop the national strength of the German people not to endanger but to become a strong support of the general peace; and that if we call upon these popular energies now to defend our independence, we are only following the dictates of honour and duty.

The candidature of a German Prince to the Spanish Throne, whose proposal and withdrawal of whom the Confederation Governments were equally strangers, and was only so far of interest to the North German Confederation, that the Government of that friendly nation seemed to build upon it the hope of finding therein the guarantee for the orderly and peaceful Government of a country which had undergone many trials, has afforded a pretext to the Government of the Emperor of the French to put forward the *casus belli* in a manner long unknown in diplomatic intercourse, and in spite of the removal of this pretext, to adhere to it with that disregard of the rights of the people to the blessings of peace, of which history furnishes analogous examples in the case of former Rulers of France.

If Germany in past centuries has silently borne with such outrages upon her rights and honour, she did so because in her disunion she knew not how strong she was. To-day, when the bands of intellectual and just unity, which the wars of freedom began to draw together, binds the German races indeed closer, and therefore more intimately: to-day, when the armaments of Germany no longer leave an opening to the enemy, Germany possesses in herself the will and the power to repulse renewed acts of French violence.

This language is dictated by no boasting spirit, the Confederate Governments and myself act in the full assurance that victory and defeat rest with the Ruler of Battles. We have weighed with a steadfast gaze the responsibility which awaits before the Judgment Seat of God and of man, him who forces two great and peace-loving peoples in the heart of Europe into a devastating war. The German, as well as the French people, both of them equally enjoying and desiring the blessings of Christian civilization and increasing prosperity, should be destined to a more holy contest than the bloody one of arms. Yet the governing power of France have known how to work on the well-balanced but susceptible feelings of our great neighbouring people by calculated misrepresentation for personal interests and passions.

The more confederated Governments have felt that they have done all which honour and dignity permit to maintain for Europe the blessings of peace; and the clearer it appears to all eyes that the sword has been forced into our hand, with greater confidence we turn,

supported by unanimous will of the German Government of the South, as well as of the North, to the love of the Fatherland and willingness for sacrifice of the German people to the summons to protect her honour and independence.

We will, after the examples of our fathers, do battle for our freedom and our right against the violence of a foreign conqueror; and in this struggle, in which we have no good but the attainment of lasting peace for Europe, God will be with us as He was with our fathers.

No. 4.

Lord A. Loftus to Earl Granville.—(Received July 21.)

My Lord,

Berlin, July 19, 1870.

ON the receipt of your Lordship's telegram of the 16th instant I called on M. Delbrück, the President of the Federal Office, and read your Lordship's telegram to him, and asked what answer I should make to the inquiry therein contained.

M. Delbrück said that the delay of six weeks therein mentioned merely referred to enemy's and not to neutral vessels, which were not liable to seizure. In the event of a blockade the ordinary laws regulating blockades will probably be enforced.

His Excellency then stated that the North German Government would waive the right of seizing merchant-vessels of the enemy at sea.

His Excellency further stated that French vessels would be allowed six weeks from the date of the declaration of war to clear out of German ports, and will be permitted during that period to load or unload, as the case may be, and that an official notification to this effect would be published in the evening "Official Gazette," of which I have now the honour to forward to your Lordship a translation.

I have informed Her Majesty's Consuls at Hamburgh and Königsberg of this notification.

I have thought it desirable to inform Mr. Hertslet of the conversation I had had with M. Delbrück on the question of the treatment of neutral vessels, and I have the honour to inclose to your Lordship herewith copy of my despatch to him on this subject.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure 1 in No. 4.

Extract from the "Staats Anzeiger" of July 19, 1870.

Translation.)

Ministry of Commerce, Trade, and Public Works.

Official Telegraphic Despatch.

The Minister of Commerce to the Presidents of Königsberg, Stettin, Hanover, and Kiel.

Berlin, July 17, 1870.

THE Federal Council has decided that, in the event of the outbreak of war with France, French merchant-vessels which may happen to be in German ports at the commencement of the war, or which should enter such ports before they have learned that war has broken out, will be permitted to remain in the ports in which they may happen to be, and to take a cargo, or unload, as the case may be, for a period of six weeks reckoned from the day of the outbreak of war.

The Provincial authorities are to be immediately informed of the same.

(Signed) COUNT v. ITZEUPLITZ.

Inclosure 2 in No. 4.

Lord A. Loftus to Consul Hertslet.

(Extract.)

Berlin, July 18, 1870.

I FORWARD to you a copy of the "Staats Anzeiger," No. 166, containing the instructions issued by Count Itzeuplitz to the Ober Presidents with reference to the treatment of enemy's ships.

As far as I am informed the term of six weeks given to vessels has merely reference to enemy's ships in Prussian ports.

Neutral vessels are, of course, not liable to seizure, except in case of contraband of war.

Enemy's ships will be liable to seizure, and to be condemned as lawful prizes, but by the agreement of the Treaty of Paris, the cargoes of neutrals will be held free.

Goods, therefore, shipped on board of Prussian or German vessels, will not be exposed to seizure or confiscation, although the vessels may be seized, taken to a French port, and condemned.

No. 5.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, July 21, 1870.

COUNT BERNSTORFF, in the course of a conversation I had to-day with his Excellency, inquired of me whether Her Majesty's Government considered coal to be contraband of war, and whether they had prohibited the exportation of horses from the United Kingdom. I replied to the latter question in the negative, and to the former I answered that, in my opinion, the question of coal being contraband of war depended upon its destination, but that it was a question which could not be decided by individual opinion nor by the views of Governments. Cases must be decided, as they arose, in the captor's Prize Courts.

I added that Her Majesty's Government had not issued any prohibition against the exportation of contraband of war from the ports of Great Britain.

I am, &c.
(Signed) GRANVILLE.

No. 6.

Earl Granville to Vice-Admiral Harris.

Sir,

Foreign Office, July 21, 1870.

HER Majesty's Government have been glad to learn that the Netherlands Government have expressed their determination to avoid all complications which might tend to compromise the neutrality of Holland; and I have to request you to express to M. Roest von Limburg the satisfaction with which Her Majesty's Government have heard that it is the intention of the Netherlands Government to adopt this course.

I am, &c.
(Signed) GRANVILLE.

No. 7.

Sir H. Howard to Earl Granville.—(Received July 22.)

(Extract.)

Munich, July 19, 1870.

YESTERDAY morning the Bavarian Minister of War submitted to the Chamber of Deputies a demand for an extraordinary subsidy for the army, to the amount of 26,700,000 florins (2,225,000*l.*), namely 5,600,000 florins for the mobilisation of the army, and 21,100,000 florins for its maintenance on the war footing until the end of this year. On account of the urgency of the case, he pressed for a speedy decision.

Count Bray, the Minister for Foreign Affairs, then rose and made a short statement. European events, as his Excellency is reported to have said in substance, had placed Bavaria in a position which rendered it the duty of the Government to appear before the Representatives of the country, in order to ask of them advice, assistance, and means. On the 30th of June last, the state of things was still so deeply pacific, that even an illustrious French Statesman had expressed the opinion that since 1866 peace had never appeared so well secured. This state of things had, however, already been altered on the 6th of July,

when the Duc de Gramont made a declaration in the French Legislative Assembly, which contained a serious threat against Prussia. The renunciation of Prince Leopold of Hohenzollern was the best solution of the conflict, of which it removed the immediate occasion; but already on the 15th of July a credit for war purposes was demanded of the French Legislature, and granted. Thus the whole state of things underwent a change. The Spanish question disappears, and the German question arises. All the Powers surrounding Bavaria are arming, as is likewise doing neutral Switzerland. On the 16th instant orders were given for the mobilization of the Bavarian army. No declaration of war has hitherto taken place, and negotiations for a mediation, in which Bavaria has taken a part, are being carried on, but with little prospect of success.

In closing his speech, Count Bray, as well as the Minister of War, denied that the following statement, which appeared in the official Hoffman's correspondence, had been issued by either of their Departments. "His Majesty the King (of Bavaria) considers the *casus fœderis* to have occurred. Bavaria will enter with Prussia into the war with France. The co-operation of the respective armies will immediately commence."

No. 8.

Count Bismarck to Count Bernstorff.—(*Communicated to Earl Granville by Count Bernstorff, July 22.*)

(Translation.)

Berlin, July 19, 1870.

THE accompanying despatch was already prepared in order to apprise your Excellency of the position of the Royal Government and of the Presidency of the North German Confederation, with regard to the declarations made on the 15th instant by the Imperial French Government in the Senate and in the Legislative Body, when the French declaration of war, which I communicate to your Excellency to-day, arrived. I let it go, also, at the same time, in order to provide your Excellency with every material that sets the proceedings of the Royal Government in the clearest light, and furnishes *proof* of the perfect nullity of the pretexts adduced by France in the declaration of war.

(Signed) VON BISMARCK.

Inclosure 1 in No. 8.

Count Bismarck to Count Bernstorff.

(Translation.)

Berlin, July 18, 1870.

THE proceedings of the French Ministers at the sittings of the Senate and the Legislative Body on the 15th instant, and the misrepresentations of the truth there brought forward with the solemn character of official declarations, have removed the last veil from the intentions which could no longer be doubtful to any disinterested person, since astonished Europe learned two days before from the mouth of the French Minister for Foreign Affairs that France was not satisfied with the voluntary renunciation of the hereditary Prince and had further negotiations to carry on with Prussia. Whilst the rest of the European Powers were busied in considering how they were to meet this new and unexpected phase, and perhaps exercise a conciliatory and mitigating influence on these alleged negotiations, whose nature and object no one could divine, the French Government has thought proper, by a public and solemn declaration which, while misrepresenting known facts, added fresh affronts to the threats of the 6th instant, to carry matters to such a pitch as to render any accommodation impossible, and, as every handle of intervention was taken away from the friendly Powers, to make the rupture unavoidable.

For a week past it could be no matter of doubt to us that the Emperor Napoleon was resolved, regardless of consequences, to bring us into a position in which we should only have the choice between war and a humiliation which the honourable feelings of no nation can bear. Could we have entertained any doubt, we must have been undeceived by the Report of the Royal Ambassador on his first conference with the Duc de Gramont and M. Ollivier, after his return from Ems, in which the first described the renunciation of the hereditary Prince as a secondary matter, and both Ministers demanded that His Majesty the King should write an apologetic letter to the Emperor Napoleon, the publication of which might pacify the excited feelings in France. The scorn of the French Government press anticipated the desired triumph; but the Government seems to have feared that the

war might still escape it, and hastened, by its official declarations of the 15th instant, to transfer the matter to a field which no longer admitted of intervention, and to prove to us and all the world that no compliance within the bounds of the national feelings of honour would suffice to maintain peace.

As, however, no one doubted, or could doubt, that *we* sincerely desired peace, and a few days before considered no war possible, as every pretext for war was wanting, and even the last artificially and forcibly created pretext, as it was devised without our aid, so it had disappeared again of itself; as, therefore, there was no *cause* at all for war, there was nothing left for the French Ministers, in order to their seeming justification before their own people, really peaceably disposed and requiring tranquillity, but by means of misrepresentation and invention of facts, the falsity of which was known to them from official documents, to persuade the two representative bodies, and through them the people, that they had been affronted by Prussia, thereby to stir up their passions to an outbreak by which they might represent themselves as carried away.

It is a sad business to expose the series of untruths; fortunately the French Ministers have shortened the task, as they, by their refusal to produce the note or despatch, as demanded by a part of the Assembly, have prepared the world for the intelligence that it has no existence whatever.

This is in fact the case. There exists no note or despatch by which the Prussian Government notified to the Cabinets of Europe a refusal to receive the French Ambassador. There exists nothing but the newspaper telegram known to all the world, which was communicated to the German Governments, and to some of our Representatives with non-German Governments, according to the wording of the newspapers, in order to inform them of the nature of the French demands, and the impossibility of complying with them, and which, moreover, contains nothing injurious to France.

The text of it is inclosed herewith. We have addressed no further communications on the incident to any Government. In regard to the fact of the refusal to receive the French Ambassador, in order to set that assertion in its proper light, I am authorized by His Majesty to transmit the two inclosed official documents to your Excellency, with the request that you will communicate them to the Government to which you have the honour to be accredited: the first is a literally correct account of what took place at Ems, drawn up at the command, and with the immediate approval of His Majesty the King; the second is the official report of the adjutant in attendance on His Majesty, on the performance of the duty assigned to him.

It may be unnecessary to point out that the firmness in repelling French pretension was attended with all the considerate friendliness both in *matter* and *form* which comports so well with the personal habits of His Majesty the King, as well as with the principles of international courtesy towards the Representatives of friendly sovereigns and nations.

Finally, with regard to the departure of our Ambassador, I only remark, as was officially known to the French Cabinet, that it was no recall, but a leave of absence requested by the Ambassador for personal reasons, and that he had transferred the business to the First Councillor of Legation, who had often represented him before, and had given me notification thereof as usual. The statement is also untrue that His Majesty the King communicated the candidature of Prince Leopold to me, the undersigned Chancellor of the Confederation. I was casually informed in confidence of the Spanish offer by a private person concerned in the negotiations.

If all the reasons brought forward by the French Ministers to show that war is inevitable, are thus reduced to nothing, and appear to be grasped out of the air, there unfortunately only remains to us the sad necessity of seeking for the real motives in the worst traditions of Louis XIV and the first Empire—traditions stigmatized by the nations and Governments of the civilized world for half a century, but which a party in France still writes on its banners, and which Napoleon III, as we believed, had successfully withstood.

As motive causes of this lamentable phenomenon we can but recognize, unfortunately, the worst instincts of hatred and of envy of the independence and welfare of Germany, with the endeavour to keep down liberty in their own country by involving it in foreign wars.

It is painful to think that, by such a gigantic conflict as the national exasperation, the magnitude and the strength of the two countries give us the prospect of the peaceful development of civilization and of national prosperity, which was in advancing bloom, will be checked and driven back for many years. But we must, before God and man, make over the responsibility of it to those whose outrageous proceedings compel us to accept the combat, for the national honour and the freedom of Germany; and in such a just

cause we may confidently hope for the help of God, as we are already sure of the help of the whole German nation, throughout which there are ever-increasing signs of a glad willingness for the sacrifice; and we may also express our confidence that France will find no allies for a war which she has so wantonly and so unjustly conjured up.

(Signed) VON BISMARCK.

Inclosure 2 in No. 8.

Telegram addressed by the Prussian Government to Foreign Governments.

(Translation.)

AFTER the news of the renunciation of the hereditary Prince of Hohenzollern had been officially communicated to the Imperial French Government by the Royal Spanish Government, the French Ambassador at Ems further demanded of His Majesty the King to authorize him to telegraph to Paris that His Majesty the King engages for all future time never again to give his consent if the Hohenzollerns should again return to their candidature. His Majesty the King thereon declined to receive the French Ambassador again, and had him told by the Adjutant in attendance that His Majesty had nothing further to communicate to the Ambassador.

Inclosure 3 in No. 8.

Memorandum of what occurred at Ems, drawn up at the command and with the approval of the King of Prussia.

(Translation.)

ON the 9th instant, Count Benedetti asked at Ems for an audience by the King, which was at once granted to him. Wherein he required that the King should order the hereditary Prince of Hohenzollern to withdraw his acceptance of the Spanish Crown. The King replied that, as throughout the whole affair he had only been applied to as head of the family, and never as King of Prussia, that as therefore he had given no order for accepting the candidature for the Throne, neither could he give any order for the retraction. On the 11th, the French Ambassador asked for and obtained a *second* audience, wherein he tried to exert a pressure on the King to the end that he should urge the Prince to renounce the Crown. The King replied, that the Prince was entirely free in his resolutions; moreover, that he himself did not even know where the Prince, who wanted to take an Alpine journey, was at that moment. On the Fountain promenade, in the morning of the 13th, the King gave the Ambassador an extra number of the "Cologne Gazette," which had been just delivered to himself, with a private telegram from Sigmaringen, on the renunciation of the Prince, the King remarking that he himself had not yet received any letter from Sigmaringen, but might expect one to-day. Count Benedetti mentioned that he had received news of the renunciation from Paris the evening before; and as the King thereupon looked upon the matter as settled, the Ambassador now quite unexpectedly required of the King that he should pronounce a distinct assurance that he *never again* would give his consent if the candidature for the Crown in question should be ever revived. The King decidedly refused such a demand, and kept to that decision, as Count Benedetti repeatedly and ever more urgently returned to his proposition. Nevertheless, after some hours, Count Benedetti sought a *third audience*. On inquiry, what was the subject to be spoken of, he returned answer that he wished to *recur* to that spoken of in the morning. The King refused a fresh audience *on this ground*, as he had no other answer than the one given; moreover, that from thenceforward all negotiations were to go on through the Ministries. Count Benedetti's wish to take leave of the King on his departure was acceded to, as he saluted him at the station on the 14th, in passing on a journey to Coblenz. According to this, therefore, the Ambassador had *three audiences* of the King, which always bore the character of private conversations, as Count Benedetti never conducted himself as a Commissioner or negotiator.

Inclosure 4 in No. 8.

Report of the Adjutant in attendance on the King of Prussia at Ems.

(Translation.)

HIS Majesty the King, in consequence of a conversation with Count Benedetti on the Fountain promenade, early on the 13th of July, graciously sent me, about 2 in the afternoon, with the following message to the Count :—

His Majesty had received an hour before, by written communication of the Prince of Hohenzollern from Sigmaringen, the full corroboration of what the Count had communicated to him in the morning, as learned direct from Paris, in regard to the renunciation by Prince Leopold of the candidature to the Spanish Throne. His Majesty therewith looks upon this affair as settled.

Count Benedetti said, after I had delivered this message to him, that since his conversation with the King, he had received a fresh despatch from M. de Gramont, in which he was instructed to request an audience of His Majesty, and to submit once more to His Majesty the wish of the French Government :—

“ 1. To approve the renunciation of the Prince of Hohenzollern ; and,

“ 2. To give an assurance that this candidature would not again be taken up, even in future.”

Hereupon His Majesty caused answer to be given to the Count through me, that His Majesty approved the renunciation of Prince Leopold in the same sense and to the same extent as His Majesty had previously done with the acceptance of this candidature. His Majesty had received the written communication of the renunciation from Prince Antony of Hohenzollern, who was authorized thereto by Prince Leopold. In regard to the second point, the assurance for the future, His Majesty could only refer to what he had himself replied to the Count in the morning.

Count Benedetti thankfully accepted this answer of the King's, and said he would mention it again to his Government, as he was authorized to do.

But with regard to the second point, he must persist in his request for another conversation with His Majesty, as he was expressly instructed to do so in the last despatch from M. de Gramont, and even if it were only to hear the same words from His Majesty again ; the more so as there were fresh arguments in this last despatch which he wished to submit to His Majesty.

Hereupon His Majesty caused answer to be given to the Count through me, for the third time, after dinner, about half-past 5 o'clock, that His Majesty must positively decline to enter into further discussions in regard to this last point (a binding assurance for the future). What he had said in the morning was His Majesty's last word on this matter, and he could do no more than refer to it.

On the assurance that Count Bismarck's arrival at Ems could not be positively depended upon, even for the next day, Count Benedetti declared that he, on his part, would rest content with the declaration of His Majesty the King.

Ems, July 13, 1870.

(Signed) A. RADZIVILL,
Lieutenant-Colonel, and Adjutant-Major to His Majesty the King.

No. 9.

Count Bismarck to Count Bernstorff.—(Communicated to Earl Granville by Count Bernstorff, July 22.)

(Translation.)

Berlin, July 19, 1870.

THE Imperial French Government has had the official document containing its declaration of war, of which a copy is inclosed, delivered by its Chargé d'Affaires.

This is the first and only official communication that we have received from the Imperial French Government in the whole affair, which has occupied the world for the last fortnight.

As reasons for the war which it wages against us, the following are given therein :—

The refusal of His Majesty the King to give an assurance that the elevation of a Prussian Prince to the Spanish Throne could not be effected with his consent, and the alleged notification made to the Cabinets of the refusal to receive the French Ambassador, or to treat with him any further.

We have merely to answer thereon as follows :—

His Majesty the King, fully respecting the freedom and independence of the Spanish

nation, and the free right of decision in the Princes of the House of Hohenzollern, never entertained a thought of raising the hereditary Prince to the Spanish Throne; the demands made to His Majesty for promises in regard to the future were unjustifiable and presumptuous. To attribute to him an ulterior design, or a hostile intention towards France, is a gratuitous invention.

The alleged notification to the Cabinets was never given, any more than a refusal to treat with the Ambassador of the Emperor of the French. On the contrary, the Ambassador never sought for official negotiations with the Royal Government, but only to discuss the question personally and privately with His Majesty the King at Ems.

The German nation, within and without the North German Confederation, has recognized the demands of French Government as aimed at a humiliation, which the nation cannot brook, and that the war, which could never lie within the purposes of Prussia, is forced on us by France.

The whole civilized world will perceive that the reasons which France adduces do not exist, but are contrived pretexts.

The North German Confederation, and the Governments of South Germany in alliance with it, protest against the unprovoked invasion of German territory, and will repel it by every means that God has bestowed on them.

Your Excellency is requested to deliver a copy of this despatch, and its inclosures, to the Government to which you are accredited.

(Signed) VON BISMARCK.

Inclosure in No. 9.

M. le Sourd to Count Bismarck.

Berlin, le 19 Juillet, 1870.

L'É Soussigné, Chargé d'Affaires de France, en exécution des ordres qu'il a reçus de son Gouvernement, a l'honneur de porter à la connaissance de son Excellence M. le Ministre des Affaires Étrangères de Sa Majesté le Roi de Prusse la communication suivante. Le Gouvernement de Sa Majesté l'Empereur des Français, ne pouvant regarder que comme une entreprise dirigée contre la sécurité territoriale de la France le projet d'élever un Prince Prussien au trône d'Espagne, s'est trouvé dans la nécessité de demander à Sa Majesté le Roi de Prusse l'assurance qu'une telle combinaison ne pourrait se réaliser avec son assentiment.

Sa Majesté le Roi de Prusse s'étant refusé à donner cette assurance, et ayant témoigné au contraire à l'Ambassadeur de Sa Majesté l'Empereur des Français qu'il entendait se réserver, pour cette éventualité comme pour toute autre, la faculté de consulter les circonstances, le Gouvernement Impérial a dû voir dans la déclaration du Roi une arrière-pensée menaçante pour la France comme pour l'équilibre général des forces en Europe. Cette déclaration a été aggravée encore par la notification faite aux Cabinets du refus de recevoir l'Ambassadeur de l'Empereur et d'entrer dans aucune explication nouvelle avec lui.

En conséquence le Gouvernement de Sa Majesté Impériale a jugé qu'il avait l'obligation de pourvoir immédiatement à la défense de son honneur et de ses intérêts compromis, et, résolu à prendre à cet effet toutes les mesures commandées par la situation qui lui est faite, il se considère, dès à présent, comme étant en état de guerre avec la Prusse.

Le Soussigné, &c.

(Signé) LE SOURD.

(Translation.)

Berlin, July 19, 1870.

THE Undersigned, French Chargé d'Affaires, in pursuance of instructions received from his Government, has the honour to make to his Excellency the Minister for Foreign Affairs of His Majesty the King of Prussia the following communication:—

The Government of His Majesty the Emperor of the French, being unable to consider the proposal to raise a Prussian Prince to the Throne of Spain otherwise than as an attempt against the territorial security of France, was compelled to ask the King of Prussia for an assurance that such an arrangement could not be carried out with his consent.

His Majesty the King of Prussia having refused to give this assurance, and having, on the contrary, given the Ambassador of His Majesty the Emperor of the French to understand that he intended to reserve for this eventuality, and for every other, the power of acting according to circumstances, the Imperial Government could not but see in the

King's declaration a reservation threatening to France and to the general balance of power in Europe. This declaration was further aggravated by the notification made to the Cabinets of the refusal to receive the Emperor's Ambassador and to enter into any new explanation with him.

The Government of His Imperial Majesty has consequently thought itself obliged to provide immediately for the defence of its honour and its compromised interests; and being resolved to take for this purpose all the measures enjoined by the position in which it has been placed, considers itself from henceforth in a state of war with Prussia.

The Undersigned, &c.

(Signed) LE SOURD.

No. 10.

Mr. Bonar to Earl Granville.—(Received July 24.)

My Lord,

Berne, July 20, 1870.

I HAVE the honour to forward to your Lordship herewith copy of a note which I have this moment received from the President of the Confederation, inclosing to me, for transmission to your Lordship, the declaration by which the Federal Government notifies to the several Powers who were Parties to the Treaties of 1815, the determination of the Swiss Confederation to maintain and preserve by every means in their power the neutrality and integrity of the Swiss territory during the approaching war.

The Federal Council recalls at the same time to the notice of the Powers the right acquired by Switzerland in virtue of the same Treaties to occupy if required by the course of events, and to regard as comprised in the territory placed under her neutrality certain portions of the north of Savoy.

A copy of the accompanying document has also been officially communicated to me.

I have, &c.

(Signed) A. G. G. BONAR.

Inclosure 1 in No. 10.

M. Dubs to M. Bonar.

Berne, le 18 Juillet, 1870.

LE Conseil Fédéral prie M. le Ministre de Sa Majesté Britannique près la Confédération Suisse de bien vouloir faire parvenir le pli ci-joint renfermant la note dont copie ci-incluse au Ministère Royal des Affaires Etrangères; et il a l'honneur, &c.

(Signé) DUBS.

(Translation.)

Berne, July 18, 1870.

THE Federal Council begs Her Britannic Majesty's Minister to the Swiss Confederation to have the kindness to forward to the Royal Minister for Foreign Affairs the subjoined document containing the note of which a copy is inclosed; and has the honour, &c.

(Signed) DUBS.

Inclosure 2 in No. 10.

Note addressed by the Federal Government to Foreign Powers.

Berne, le 18 Juillet, 1870.

LES Traités de 1815 garantissent à la Suisse sa neutralité perpétuelle et l'inviolabilité de son territoire. Ils garantissent aussi la même neutralité à certaines contrées qui faisaient autrefois partie intégrante du Royaume de Sardaigne, mais se trouvent actuellement en la possession de la France par suite du Traité de Turin du 24 Mars, 1860.

L'espoir en une solution pacifique du conflit survenu entre la France et la Prusse à propos du Trône d'Espagne s'étant évanoui, et ces deux Etats ayant pris les armes, la Confédération Suisse a estimé qu'il était de son devoir de s'exprimer dès l'abord et avec la plus grande franchise sur la position qu'elle compte prendre en prévision de certaines éventualités.

Le Conseil Fédéral déclare, en conséquence, en vertu du mandat spécial que l'Assemblée Fédérale lui a conféré à l'unanimité de ses membres, que la Suisse maintiendra et

défendra, pendant la guerre qui se prépare, sa neutralité et l'intégrité de son territoire par tous les moyens dont elle dispose. Elle conservera loyalement vis-à-vis de tous cette position, qui lui est dictée par les Traités Européens et répond aussi bien aux conditions dans lesquelles elle se trouve qu'à ses propres besoins ; mais si, contre toute attente, il était porté atteinte à cette neutralité, elle repousserait énergiquement toute agression, pénétrée qu'elle serait de la justice de sa cause. Relativement aux parties de la Savoie qui, — aux termes de la déclaration des grandes Puissances du 29 Mars, 1815 ; de l'Acte Final de Vienne du 9 Juin, 1815 ; du Traité de Paris du 20 Mai, 1815, Article III ; et de l'Acte de reconnaissance et de garantie de la neutralité Suisse, portant même date, — doivent jouir d'une neutralité identique à celle de la Suisse, disposition que la France et la Sardaigne ont confirmée à l'Article II du Traité de Turin précité, du 24 Mars, 1860, le Conseil Fédéral croit devoir rappeler que la Suisse a le droit d'occuper ce territoire. Le Conseil Fédéral ferait usage de ce droit si les circonstances lui paraissaient l'exiger pour la défense de la neutralité Suisse et de l'intégrité du territoire de la Confédération ; toutefois, il respectera scrupuleusement les restrictions que les Traités apportent à l'exercice du droit dont il s'agit, et il s'entendra à cet égard avec le Gouvernement Impérial Français.

Le Conseil Fédéral exprime l'espoir que ces explications franches sur la position que prendra la Suisse en présence des événements qui se préparent seront accueillies avec bienveillance soit par les Etats belligérants, soit par les autres grandes Puissances garantes des Traités de Vienne, et qu'elles les convaincront que dans les dispositions à prendre, la Suisse entend se placer au point de vue que lui assignent les Traités en vigueur.

Dans cet espoir il saisit, &c.

Au nom du Conseil Fédéral Suisse,
Le Président de la Confédération,

Le Chancelier de la Confédération,

(Translation.)

Berne, July 18, 1870.

THE Treaties of 1815 guarantee to Switzerland her perpetual neutrality and the inviolability of her territory. They also guarantee the same neutrality to certain countries which formerly formed an integral part of the Kingdom of Sardinia, but at present are in the possession of France in consequence of the Treaty of Turin of the 24th March, 1860.

The hope having vanished of a pacific solution of the quarrel which has taken place between France and Prussia with respect to the Spanish Throne, and these two States having appealed to arms, the Swiss Confederation has considered it their duty to explain at once and with the greatest freedom the position they intend taking to provide for certain eventualities.

The Federal Council declares consequently, by virtue of a special power unanimously conferred by the Federal Assembly, that Switzerland will maintain and defend, during the war which is preparing, her neutrality and the integrity of her territory by all the means in her power. She will loyally maintain towards all this position, which is dictated to her by European Treaties, and which agrees as well with her present condition as with her own requirements ; but if, contrary to every expectation, violence was offered to that neutrality, she would energetically repulse every aggression, convinced as she would be of the justice of her cause. With reference to the parts of Savoy which, according to the terms of the declaration of the Great Powers of 29th March, 1815, of the Final Act of Vienna, 9th June, 1815, of the Treaty of Paris, 20th May, 1815, Article III, and of the Act recognizing and guaranteeing Swiss neutrality, bearing the same date, are to enjoy a neutrality similar to that of Switzerland, an arrangement which France and Sardinia have confirmed by Article II of the Treaty of Turin, cited above, of the 24th March, 1860, the Federal Council thinks fit to recall to mind that Switzerland has the right to occupy that territory.

The Federal Council would employ that right if circumstances seemed to require its exercise for the defence of Swiss neutrality and of the integrity of the territory of the Confederation ; in every case it will scrupulously respect the restrictions which Treaties lay on the exercise of the right in question, and will come to an arrangement to that effect with the French Imperial Government.

The Federal Council expresses the hope that these frank explanations of the position which Switzerland will take in presence of the events which are preparing, will be received with goodwill both by the belligerent States and by the other Great Powers which guaranteed the Treaties of Vienna ; and that they will convince them that Switzerland, in

the dispositions she will take, intends placing herself in the position which the existing Treaties assign her.

With this hope he takes, &c.

In the name of the Swiss Federal Council,
The President of the Confederation,

The Chancellor of the Confederation,

No. 11.

Lord Lyons to Earl Granville.—(Received July 24.)

My Lord,

Paris, July 23, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a Proclamation of the Emperor to the French people.

I have, &c.

(Signed) LYONS.

Inclosure in No. 11.

Extract from the "Journal Officiel" of July 23, 1870.

Paris, le 22 Juillet, 1870.

Proclamation de l'Empereur au Peuple Français.

Français,

IL y a dans la vie des peuples des moments solennels où l'honneur national, violemment excité, s'impose comme une force irrésistible, domine tous les intérêts, et prend seul en mains la direction des destinées de la patrie. Une de ces heures décisives vient de sonner pour la France.

La Prusse, à qui nous avons témoigné pendant et depuis la guerre de 1866 les dispositions les plus conciliantes, n'a tenu aucun compte de notre bon vouloir et de notre longanimité. Lancée dans une voie d'envahissement, elle a éveillé toutes les défiances, nécessité partout des armements exagérés, et fait de l'Europe un camp où règnent l'incertitude et la crainte du lendemain.

Un dernier incident est venu révéler l'instabilité des rapports internationaux et montrer toute la gravité de la situation. En présence des nouvelles prétentions de la Prusse, nos réclamations se sont fait entendre. Elles ont été éludées et suivies de procédés dédaigneux. Notre pays en a ressenti une profonde irritation, et aussitôt un cri de guerre a retenti d'un bout de la France à l'autre. Il ne nous reste plus qu'à confier nos destinées au sort des armes.

Nous ne faisons pas la guerre à l'Allemagne, dont nous respectons l'indépendance. Nous faisons des vœux pour que les peuples qui composent la grande nationalité Germanique disposent librement de leurs destinées.

Quant à nous, nous réclamons l'établissement d'un état de choses qui garantisse notre sécurité et assure l'avenir. Nous voulons conquérir une paix durable, basée sur les vrais intérêts des peuples, et faire cesser cet état précaire où toutes les nations emploient leurs ressources à s'armer les unes contre les autres.

Le glorieux drapeau que nous déployons encore une fois devant ceux qui nous provoquent est le même qui porta à travers l'Europe les idées civilisatrices de notre grande Révolution. Il représente les mêmes principes ; il inspirera les mêmes dévouements.

Français,

Je vais me mettre à la tête de cette vaillante armée qu'anime l'amour du devoir et de la patrie. Elle sait ce qu'elle vaut, car elle a vu dans les quatre parties du monde la victoire s'attacher à ses pas.

J'emmène mon fils avec moi malgré son jeune âge. Il sait quels sont les devoirs que son nom lui impose, et il est fier de prendre sa part dans les dangers de ceux qui combattent pour la patrie.

Dieu bénira nos efforts. Un grand peuple qui défend une cause juste est invincible !

(Signé) NAPOLEON.

(Translation.)

*Paris, July 22, 1870.**Proclamation of the Emperor to the French People.*

Frenchmen,

THERE are solemn moments in the life of peoples, when the national sense of honour, violently excited, imposes itself with irresistible force, dominates all interests, and alone takes in hand the direction of the destinies of the country. One of these decisive hours has sounded for France.

Prussia, towards whom both during and since the war of 1866 we have shown the most conciliatory disposition, has taken no account of our good wishes and our enduring forbearance. Launched on the path of invasion, she has provoked mistrust everywhere, necessitated exaggerated armaments, and has turned Europe into a camp, where reigns nothing but uncertainty and fear of the morrow.

A last incident has come to show the instability of international relations, and to prove the gravity of the situation. In presence of the new pretensions of Prussia we made known our protests. They were evaded, and were followed on the part of Prussia by contemptuous acts. Our country resented this treatment with profound irritation, and immediately a cry for war resounded from one end of France to the other. It only remains to us to leave our destinies to the decision of arms.

We do not make war on Germany, whose independence we respect. We wish that the peoples who compose the great German nationality may freely dispose of their destinies.

For ourselves, we demand the establishment of a state of affairs which shall guarantee our security and assure our future. We wish to conquer a lasting peace, based on the true interests of peoples, and to put an end to that precarious state in which all nations employ their resources to arm themselves one against the other.

The glorious flag which we once more unfurl before those who have provoked us is the same which bore throughout Europe the civilizing ideas of our great revolution. It represents the same principles and will inspire the same devotion.

Frenchmen,

I am about to place myself at the head of that valiant army which is animated by love of duty and of country. It knows its own worth, since it has seen how victory has accompanied its march in the four quarters of the world.

I take with me my son, despite his youth. He knows what are the duties which his name imposes upon him, and he is proud to bear his share in the dangers of those who fight for their country.

May God bless our efforts! A great people which defends a just cause is invincible.

(Signed) NAPOLEON.

No. 12.

Lord Lyons to Earl Granville.—(Received July 24.)

My Lord,

Paris, July 23, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a report of the address made to the Emperor by the Corps Législatif on the close of the Session, and His Majesty's reply.

I have, &c.

(Signed) LYONS.

Inclosure in No. 12.

*Extract from the "Journal Officiel" of July 23, 1870.**Palais des Tuileries, le 22 Juillet, 1870.*

AUJOURD'HUI l'Empereur a reçu, à deux heures, le Corps Législatif.
Son Excellence M. Schneider, Président, a prononcé le discours suivant :—

"Sire,

"Le Corps Législatif vient de terminer ses travaux.

"Il a unanimement voté tous les subsides et toutes les lois qu'exigeait la défense du pays, donnant ainsi un témoignage éclatant de son patriotisme.

"S'il est vrai que le véritable auteur de la guerre ne soit pas celui qui la déclare, mais celui qui l'a rendue nécessaire, il n'y aura qu'une voix parmi les peuples des deux mondes pour en faire retomber la responsabilité sur la Prusse, qui, enivrée par des succès inespérés, encouragée par notre patience et par notre désir de conserver à l'Europe les bienfaits de la paix, a cru pouvoir conspirer contre notre sécurité et porter atteinte à notre honneur.

"Dans ces cas, la France sait remplir son devoir.

"Sire,

"Les vœux les plus ardents vous suivront à l'armée, dont vous allez prendre le commandement, accompagné de votre fils, qui, devant les devoirs de son âge, apprendra, à vos côtés, comment on sert son pays.

"Derrière vous, derrière notre armée habituée à porter si haut le drapeau de la France, toujours prête à la recruter, se tient debout la nation tout entière.

"Remettez sans inquiétude la Régence entre les mains de notre auguste Souveraine.

"A l'autorité que lui assurent les grandes qualités qu'elle a déjà déployées, l'Impératrice ajoutera la force que donnent les institutions libérales si glorieusement inaugurées par votre Majesté.

"Sire,

"Le cœur de la nation est avec vous et avec notre vaillante armée."

L'Empereur a répondu :

"Messieurs,—J'éprouve une grande satisfaction, à la veille de mon départ pour l'armée, de pouvoir vous remercier du concours patriotique que vous avez donné à mon Gouvernement. Une guerre est légitime lorsqu'elle se fait avec l'assentiment du pays et l'approbation de ses représentants.

"Vous avez bien raison de rappeler les paroles de Montesquieu : 'Le véritable auteur de la guerre n'est pas celui qui la déclare, mais celui qui la rend nécessaire.'

"Nous avons fait tout ce qui dépendait de nous pour l'éviter, et je puis dire que c'est la nation tout entière qui, dans son irrésistible élan, a dicté nos résolutions.

"Je vous confie, en partant, l'Impératrice, qui vous appellera autour d'elle si les circonstances l'exigent. Elle saura remplir courageusement les devoirs que sa position lui impose.

"J'emmène mon fils avec moi. Il apprendra, au milieu de l'armée, à servir son pays.

"Résolu à poursuivre avec énergie la grande mission qui m'est confiée, j'ai foi dans le succès de nos armes, car je sais que la France est debout derrière moi et que Dieu la protège."

Ces deux discours ont été souvent interrompus par d'unanimes et chaleureuses acclamations.

(Translation.)

Palace of the Tuileries, July 22, 1870.

THE Emperor received the Members of the Legislative Body at 2 P.M. to-day.

The President, M. Schneider, made the following speech :—

"Sire,

"The Legislative Body has terminated its labours; it has unanimously voted all the subsidies and laws necessary for the defence of the country, thus giving a striking proof of its patriotism.

"If it is true that the real author of the war is not he by whom it was declared, but he who rendered it necessary, there will be but one voice among the people of both hemispheres, throwing the responsibility of the war upon Prussia, which, intoxicated by unexpected success, and encouraged by our patience, and our desire to preserve to Europe the blessings of peace, has imagined that she could conspire against our security and attack our honour.

"Under these circumstances France knows how to do her duty.

"Sire,

"The most ardent wishes will follow you to the army, the command of which you are about to assume, accompanied by your son, who, anticipating the duties of maturer age, will learn by your side how to serve his country.

"Behind you, behind our army, accustomed to carry so high the flag of France, stand the whole nation ready to recruit it.

"Leave the Regency without anxiety in the hands of our august Sovereign the Empress.

"To the authority commanded by her great qualities, of which ample evidence has already been given, Her Majesty will add the strength now afforded by the liberal institutions so gloriously inaugurated by your Majesty.

"Sire,

"The heart of the nation is with you and with our valiant army."

The Emperor replied :—

"Gentlemen,

"I experience the most lively satisfaction on the eve of my departure for the army at being able to thank you for the patriotic support which you have afforded my Government. A war is right when it is waged with the assent of the country and the approval of the country's Representatives.

"You are right to remember the words of Montesquieu, that 'the real author of war is not he by whom it is declared, but he who renders it necessary.'

"We have done all in our power to avoid the war, and I may say that it is the whole nation which has, by its irresistible impulse, dictated our decisions. I confide to you, on my departure, the Empress, who will call you around her if circumstances should require it. She will know how to fulfil courageously the duty which her position imposes upon her.

"I take my son with me; in the midst of the army he will learn to serve his country.

"Resolved energetically to pursue the great mission which has been entrusted to me, I have faith in the success of our arms, for I know that behind me France is erect, and that God protects her."

These two speeches were frequently interrupted by unanimous and warm acclamations.

No. 13.

Count Bernstorff to Earl Granville.—(Received July 24.)

(Translation.)

My Lord,

Prussia House, July 24, 1870.

IT has come to the knowledge of the King's Government, in a positive manner, that a considerable number of British ships have been hired in Newcastle for the conveyance of coal to the French fleet. Coals thus destined would absolutely be contraband of war (Phillimore's Commentaries, iii, s. 361), and their conveyance is expressly forbidden and made liable to punishment under Her Britannic Majesty's Proclamation of Neutrality, and under the Neutrality Law of His Majesty King George III, referred to and enforced anew therein.

I am commissioned by His Majesty's Government to call the attention of Her Britannic Majesty's Government immediately to this matter, and to express the confident expectation that it will prevent in every case such a breach of neutrality on the part of its subjects, and eventually punish it with the whole force of the law.

In laying this matter most earnestly before your Excellency, I request from you an early and favourable answer, and remain, &c.

(Signed) BERNSTORFF.

No. 14.

Vice-Admiral Harris to Earl Granville.—(Received July 25.)

My Lord,

The Hague, July 21, 1870.

I HAVE the honour to transmit a copy of a despatch from M. Servais, Minister of State of the Grand Duchy of Luxemburg, received to-day, and inclosing a plan and detailing what has been done with respect to the demolition of the fortifications of the city.

M. Servais, on behalf of his Government, expresses the hope that, should it become necessary to take steps to cause the neutrality of the Grand Duchy to be respected in accordance with the Treaty of May 11, 1867, the aid of Her Majesty's Government will not be wanting.

I have, &c.
(Signed) E. A. J. HARRIS.

Inclosure I in No. 14.

M. Servais to Vice-Admiral Harris.

M. le Ministre,

Luxembourg, le 15 Juillet, 1870.

LE Traité de Londres du 11 Mai, 1867, a reconnu la neutralité et l'indépendance du Grand Duché de Luxembourg, sous la souveraineté de la Maison d'Orange-Nassau ; il impose, en même temps, au Grand Duché l'obligation de convertir la forteresse de Luxembourg en ville ouverte. Il s'exprime à ce sujet de la manière suivante dans son Article 5: "Sa Majesté le Roi Grand-Duc, en vertu des droits de souveraineté qu'il exerce sur la ville et la forteresse du Luxembourg, s'engage de son côté à prendre les mesures nécessaires à l'effet de convertir la dite place forte en ville ouverte au moyen d'une démolition que Sa Majesté jugera suffisante pour remplir les intentions des Hautes Parties Contractantes exprimées dans l'Article III du présent Traité. Les travaux requis à cet effet commenceront immédiatement après la retraite de la garnison. Ils s'effectueront avec tous les ménagements que réclament les intérêts des habitants de la ville."

Cette disposition confère au Roi Grand-Duc seul le droit d'apprécier et de décider quelle est la démolition des fortifications qui doit avoir lieu ; elle a sous ce rapport un sens d'autant plus précis qu'elle ne prévoit aucun contrôle, aucune surveillance, à exercer par les Puissances Contractantes, et n'exige pas même que ces dernières soient informées des travaux de démolition qui sont exécutés.

Il semble, donc, résulter de là que le Traité du 11 Mai, 1867, ne pourrait autoriser aucune réclamation contre le Grand Duché parcequ'une des Puissances qui y sont intervenues aurait l'opinion que la démolition de la forteresse de Luxembourg ne serait pas suffisante.

Quoiqu'il en soit, le Gouvernement Grand-Ducal n'a jamais songé à se prévaloir d'un pareil moyen pour se dispenser de remplir exactement ses obligations : il a exécuté les travaux de démolition avec la plus grande activité ; la forteresse de Luxembourg pourrait être considérée comme ville ouverte dans toute l'acceptation du mot, si même l'œuvre de destruction était moins avancée qu'elle ne l'est.

Il importe que les Puissances signataires du Traité du 11 Mai, 1867, n'aient aucun droit à cet égard. Je prend, donc, la liberté de faire connaître à votre Excellence d'une manière exacte et détaillée les mesures qui ont été prises pour convertir la forteresse de Luxembourg en ville ouverte. J'espère que le Gouvernement de Sa Majesté la Reine de la Grande Bretagne reconnaîtra par l'exposé que je vais avoir l'honneur de lui soumettre, que le Grand Duché a répondu loyalement à la confiance que les Puissances signataires du Traité de Londres ont eue en lui.

Les travaux de démantèlement ont été concentrés sur le front de la plaine : on y a pratiqué quatre larges avenues dans le prolongement de la porte neuve, de la Rue d'Arsenal, de la Rue du Génie, et enfin dans la direction de la capitale Jost. Ces percées figurent *sub litteris* G, D, B, et A du plan que j'ai l'honneur de joindre à la présente. Elles seront reliées entre elles par une voie transversale (I du plan). La partie comprise entre les percées Jost et de l'Arsenal est livrée à la circulation, la deuxième moitié vient d'être entamée.

Dans le fossé principal on établit un grand boulevard. Les terrassements sont achevés depuis la percée Jost-Rheinsheim jusqu'au bastion Marie. Ce travail a entraîné la démolition et le nivellement des bastions Jost et Camus, ainsi que des courtines Jost-Camus et Camus-Marie. Les décombres ont servi à combler le fossé principal. La face gauche du bastion Marie est détruite également. Il est à observer que tous les ouvrages situés entre les quatre percées sont les uns démolis les autres gravement endommagés.

Le cavalier Jost, le fort Rheinsheim, les réduits Peter, Louvigny, Vauban, et Marie ont été vendus à charge de démolition par les acquéreurs.

L'on sait que la ville n'est accessible que du côté de la plaine, et que les rochers à pie qui l'entourent des autres côtés ne permettent pas de songer à l'ouvrir dans les fronts de Thionville, de Trèves, et du Grunwald. Toutefois, le Gouvernement n'a pas hésité à y faire procéder à un grand nombre de démolitions. Je ne citerai que pour [*sic*] l'enlèvement d'une série d'obstacles apportés aux entrées de la ville ; la démolition des portes d'Eich, de Mansfeld (avec écluse), de Bissersweg (?), de la porte extérieure de Trèves, &c., l'enlèvement des pont levis, le comblement des fossés, &c.

Le bastion Louis a été dérasé au niveau de la route et vendu à des particuliers, qui y ont élevé des constructions. Le Tetschenhof et le fort Wedell ont été vendus à charge de démolition, le Neipperg a été coupé par une chaussée. On procédera bientôt à la vente du Rumigny et des glacis et dépendances du Neipperg. Le projet de vente du fort du Parc a donné lieu à quelques difficultés sous le rapport de la perception des droits d'octroi.

Enfin, s'on est occupé en ce moment à démolir la courtine Berlaumont-Gouvernement,

et à niveler le ravelin des Trois Pigeons pour y établir une place publique qui viendra rejoindre la place du théâtre, après la démolition de la boulangerie militaire ("bombensichau Bäckerie)."

Je pense qu'il est inutile de pousser plus loin cette énumération ; elle suffit pour prouver combien le Gouvernement Grand-Ducal a pris à tâche de remplir les charges qui lui ont été imposées par le Traité de Londres.

Il me reste à rappeler qu'il y a deux mois à peine, la Chambre des Députés a alloué un crédit de 100,000 francs pour continuer les travaux, ou plutôt pour faire disparaître les ruines amoncelées dans le front de la plaine.

Le Gouvernement Luxembourgeois se plaint donc à espérer que l'appui du Gouvernement de Sa Majesté la Reine de la Grande Bretagne ne lui manquerait pas s'il s'agissait de faire respecter la neutralité du Grand Duché garantie par le Traité du 11 Mai, 1867.

Je prie, &c.

Le Ministre d'Etat, Président du Gouvernement,
(Signé) SERVAIS.

(Translation.)

M. le Ministre,

Luxemburg, July 15, 1870.

THE Treaty of London of the 11th of May, 1867, has recognized the neutrality and independence of the Grand Duchy of Luxemburg, under the sovereignty of the House of Orange-Nassau. It imposes, at the same time, on the Grand Duchy the obligation of converting the fortress of Luxemburg into an open town. It treats on this subject in the 5th Article as follows:—"His Majesty the King Grand-Duke," in virtue of the sovereign rights that he exercises over the town and fortress of Luxemburg, engages on his part to take the necessary measures, in order to change the aforesaid stronghold into an open town, by means of such demolition as His Majesty shall deem sufficient to fulfil the intentions of the High Contracting Powers expressed in the IIIrd Article of the present Treaty. The necessary works required for this purpose will commence immediately upon the retreat of the garrison. They will be carried out with every consideration that the interests of the townspeople may demand."

This arrangement confers solely on the King Grand-Duke the right of judging and deciding to what extent the demolition of the fortifications should extend. It has under this head a meaning much more precise, as it does not foresee any control, any inspection to be exercised by the Contracting Powers, and does not even insist that these latter be informed of the works of demolition which are carried out.

It appears, then, to result from this that the Treaty of the 11th of May, 1867, does not admit of any complaint being brought against the Grand Duchy because one of the Powers privy to it is of opinion the dismantlement of the fortress of Luxemburg is incomplete.

However that may be, the Government of the Grand Duchy never dreamt of availing itself of such means in order to escape from strictly fulfilling its obligations. It has carried out the works of demolition with the greatest activity ; the fortress of Luxemburg might, in every sense of the word, be looked upon as an open town, even if the work of destruction was less forward than it really is.

It is then a matter of importance that the Powers who signed the Treaty of the 11th of May, 1867, should have no reason to complain on this point. I take the liberty, therefore, of informing your Excellency in the most exact and detailed manner of the measures which have been taken in order to convert the fortress of Luxemburg into an open town. I hope that the Government of Her Majesty the Queen of Great Britain will recognize by the statement that I am about to have the honour to submit to it ; that the Grand Duchy has loyally responded to the trust that the Powers which signed the Treaty of London placed in it.

The works of dismantlement have been concentrated on the face of the plain ; four large avenues have been made there by prolonging the new gate from the Rue d'Arsenal, from the Rue du Génie, and lastly in the direction of the capital Jost. These openings are shown *sub litteris* G, D, B, and A of the plan that I do myself the honour of herewith transmitting to you. They will be joined by a transverse road (I in the plan). The portion between the opening Jost and the opening of the Arsenal is given up to free circulation, the second half is about to be begun.

In the principal ditch a large boulevard is being established. The levellings are completed from the opening of Jost-Rheinsheim up to the Bastion Marie. This work has necessitated the demolition of the bastion Jost and Camus, as well as of the curtains Jost-Camus and Camus-Marie. The materials were used to fill up the principal ditch. The

left face of the bastion Marie is also destroyed. It is to be observed that all the works situated between the four openings are either demolished or seriously injured.

The cavalier Jost, the fort Rheinsheim, the redoubts Peter, Louvigny, Vauban, and Marie have been sold on the condition of their demolition by the purchasers.

It is known that the town is only accessible from the plain, and that the perpendicular rocks which surround it on the other sides do not allow the possibility of opening it on the sides of Thionville, Trèves, and Grunwald. Nevertheless, the Government has caused a great number of demolitions to be executed there. I will only allude to the removal of a number of obstacles at the entrance of the town; the demolition of the gates of Eich, Mansfeld, including the sluice, Bissersweg, the external gate of Trèves, the removal of the drawbridges, the filling in of the ditches, &c.

The bastion Louis has been razed to the level of the road, and sold to private individuals who have built upon it. The Tetschenhof and the Wedell fort have been sold on the condition of demolition, the Neipperg has been cut by a road. Steps will shortly be taken for the sale of the Rumigny, and of the glacis and dependencies of Neipperg. The intended sale of the Parc fort has given rise to some difficulties in regard to the collection of the octroi.

Finally, steps are now being taken to demolish the curtain Berleymont-Gouvernement, and to level the ravelin of the Three Pigeons, in order to establish there a public "place," which will join the "place" of the theatre, after the demolition of the military bakery.

I think it will be unnecessary to continue this enumeration any further. It is enough to prove how the Grand Ducal Government have endeavoured to fulfil the charges imposed upon it by the Treaty of London.

I must call to mind that it is hardly two months ago that the Chamber of Deputies allotted a credit of 100,000 francs to continue the works, or rather to remove the ruins heaped in the front of the plain.

The Government of Luxembourg hopes, therefore, that it will have the support of the Government of Her Majesty the Queen of Great Britain, if there was a question of enforcing the neutrality of the Grand Duchy guaranteed by the Treaty of May 1867.

I request, &c.
(Signed) SERVAIS.

Inclosure 2 in No. 14.

Plan d'Agrandissement de la Ville de Luxembourg, proposée par la Commission instituée par Arrêté de M. le Directeur de l'Intérieur, du 29 Juin, 1867.

No. 15.

Lord Lyons to Earl Granville.—(Received July 25.)

My Lord,

Paris, July 24, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a paragraph respecting the action of the French Government in regard to the recommendations of the International Conference at Geneva of 1868, for the succour of the wounded in battle.

I have, &c.
(Signed) LYONS.

Inclosure in No. 15.

Extract from the "Journal Officiel" of July 24, 1870.

AU mois d'Octobre 1868, une Conférence Internationale réunie à Genève avait été chargée de préparer un projet d'Articles Additionnels à la Convention du 22 Août, 1864, pour l'amélioration du sort des militaires blessés dans les armées en campagne; ces Articles, qui avaient particulièrement pour objet d'étendre à la marine les dispositions de la Convention de 1864, n'avaient point encore reçu la consécration diplomatique.

Le Conseil Fédéral Suisse a exprimé au Gouvernement de l'Empereur l'espoir qu'il voudrait bien reconnaître, néanmoins, ces nouvelles stipulations, et s'y conformer, à titre de *modus vivendi*, pendant toute la durée des hostilités. Une démarche identique a été faite auprès du Cabinet de Berlin.

Le Gouvernement de l'Empereur n'a point hésité à déclarer qu'il était tout disposé, en ce qui le concernait, à faire, dans les circonstances actuelles, l'application des Articles Additionnels à la Convention de 1864.

Des instructions en conséquence ont été adressées aux Commandants de nos forces de terre et de mer.

(Translation.)

IN the month of October, 1868, an International Conference assembled at Geneva was charged to prepare a project of Additional Articles to the Convention of August 22, 1864, for the amelioration of the condition of wounded soldiers in the field; these Articles, which were specially intended to extend to the navy the arrangements of the Convention of 1864, had not yet received a diplomatic sanction.

The Swiss Federal Council has expressed to the Imperial Government the hope that they would nevertheless recognize these new stipulations, and conform to them, as a *modus vivendi*, during the continuance of hostilities. A similar request was addressed to the Cabinet of Berlin.

The Emperor's Government has not hesitated to declare itself quite ready, as far as it was concerned, to adopt, under existing circumstances, the Additional Articles of the Convention of 1864.

Instructions have accordingly been sent to the officers commanding our land and sea forces.

No. 16.

Lord Lyons to Earl Granville.—(Received July 25.)

My Lord,

Paris, July 24, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a notice that Her Majesty's Government has undertaken to protect French subjects in Prussia and the countries at war with France.

I have, &c.
(Signed) LYONS.

Inclosure in No. 16.

Extract from the "Journal Officiel" of July 24, 1870.

LE Gouvernement de Sa Majesté Britannique, d'accord avec le Gouvernement de l'Empereur, s'est chargé de la protection des nationaux Français en Prusse et dans les pays avec lesquels la France est en guerre. L'Ambassadeur de l'Empereur a remercié Lord Granville de l'empressement que le Cabinet de Londres a mis à prendre cette décision.

(Translation.)

THE Government of Her Britannic Majesty, by agreement with the Government of the Emperor, has undertaken the protection of the French in Prussia, and in the countries with which France is at war. The Emperor's Ambassador has thanked Lord Granville for the readiness with which the Cabinet of London have adopted this decision.

No. 17.

Earl Granville to Lord Lyons

My Lord,

Foreign Office, July 25, 1870.

I HAVE received your Excellency's despatch of the 22nd instant,* reporting what had passed between yourself and the Duc de Gramont at an interview in which you endeavoured to ascertain from his Excellency whether the privileges granted by the French Government to enemy's ships, with cargoes for French ports on French account, were to be extended to enemy's vessels with cargoes for British ports on British account; and I entirely approve the language held by your Excellency on this occasion.

I am, &c.

(Signed) GRANVILLE.

No. 18.

[Printed in Parliamentary Papers No. 2.]

Earl Granville to Lord Lyons.

(Extract.)

Foreign Office, July 25, 1870.

I INCLOSE a copy of a document published in the "Times" of this day, under the title of "Proposed Treaty between France and Prussia."

The answer which I have given in the House of Lords to a question put to me by Lord Stratford de Redcliffe is as follows:—

"At the present time I can only give a very short answer. I am not informed whence came the document which appeared in the 'Times' this morning, but I am not surprised that my noble friend (Lord Stratford de Redcliffe) should regard it as a very important document. I can only state the conviction of Her Majesty's Government that after the announcement of the alleged existence of such a draft of a Treaty, both the Governments of France and Prussia will be induced immediately and spontaneously to explain to Europe all that concerns this matter."

Inclosure in No. 18.

*Extract from the "Times" of July 25, 1870.**Proposed Treaty between France and Prussia.*

SA Majesté le Roi de Prusse et Sa Majesté l'Empereur des Français, jugeant utile de resserrer les liens d'amitié qui les unissent et de consolider les rapports de bon voisinage heureusement existant entre les deux pays, convaincus d'autre part que pour atteindre ce résultat, propre d'ailleurs à assurer le maintien de la paix générale, il leur importe de s'entendre sur des questions qui intéressent leurs relations futures, ont résolu de conclure un Traité à cet effet, et nommé en conséquence pour leurs Plénipotentiaires, &c., savoir;

Sa Majesté, &c.;

Sa Majesté, &c.;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants:—

ARTICLE I.

Sa Majesté l'Empereur des Français admet et reconnaît les acquisitions que la Prusse a faites à la suite de la dernière guerre qu'elle a soutenue contre l'Autriche et contre ses alliés.

ARTICLE II.

Sa Majesté le Roi de Prusse promet de faciliter à la France l'acquisition du Luxembourg; à cet effet la dite Majesté entrera en négociations avec Sa Majesté le Roi des Pays-Bas pour le déterminer à faire, à l'Empereur des Français, la cession de ses droits

* See Parliamentary Papers No. 1, page 73.

souverains sur ce Duché, moyennant telle compensation qui sera jugée suffisante ou autrement. De son côté l'Empereur des Français s'engage à assumer les charges pécuniaires que cette transaction peut comporter.

ARTICLE III.

Sa Majesté l'Empereur des Français ne s'opposera pas à une union fédérale de la Confédération du Nord avec les Etats du Midi de l'Allemagne, à l'exception de l'Autriche, laquelle union pourra être basée sur un Parlement commun, tout en respectant, dans une juste mesure, la souveraineté des dits Etats.

ARTICLE IV.

De son côté, Sa Majesté le Roi de Prusse, au cas où Sa Majesté l'Empereur des Français serait amené par les circonstances à faire entrer ses troupes en Belgique ou à la conquérir, accordera le secours de ses armes à la France, et il la soutiendra avec toutes ses forces de terre et de mer, envers et contre toute Puissance qui, dans cette éventualité, lui déclarerait la guerre.

ARTICLE V.

Pour assurer l'entière exécution des dispositions qui précèdent, Sa Majesté le Roi de Prusse et Sa Majesté l'Empereur des Français contractent, par le présent Traité, une alliance offensive et défensive qu'ils s'engagent solennellement à maintenir. Leurs Majestés s'obligent, en outre et notamment, à l'observer dans tous les cas où leurs Etats respectifs, dont elles se garantissent mutuellement l'intégrité, seraient menacés d'une agression, se tenant pour liées, en pareille conjoncture, de prendre sans retard, et de ne décliner sous aucun prétexte, les arrangements militaires qui seraient commandés par leur intérêt commun conformément aux clauses et prévisions ci-dessus énoncées.

(Translation.)

HIS Majesty the King of Prussia and His Majesty the Emperor of the French, deeming it useful to draw closer the bonds of friendship which unite them, and to consolidate the relations of good neighbourhood happily existing between the two countries, and being convinced, on the other hand, that to attain this result, which is calculated besides to assure the maintenance of the general peace, it behoves them to come to an understanding on questions which concern their future relations, have resolved to conclude a Treaty to this effect, and named in consequence as their Plenipotentiaries, that is to say,

His Majesty, &c. ;

His Majesty, &c. ;

Who, having exchanged their full powers, found to be in good and proper form, have agreed upon the following Articles :—

ARTICLE I.

His Majesty the Emperor of the French admits and recognizes the acquisitions which Prussia has made as the result of the last war which she sustained against Austria and her allies.

ARTICLE II.

His Majesty the King of Prussia promises to facilitate the acquisition of Luxemburg by France: to that effect His aforesaid Majesty will enter into negotiations with His Majesty the King of the Netherlands, to induce him to cede to the Emperor of the French his sovereign rights over that Duchy, in return for such compensation as shall be deemed sufficient or otherwise. On his part, the Emperor of the French engages to bear the pecuniary charges which this arrangement may involve.

ARTICLE III.

His Majesty the Emperor of the French will not oppose a federal union of the Confederation of the North with the Southern States of Germany, with the exception of Austria, which union may be based on a common Parliament, the sovereignty of the said States being duly respected.

ARTICLE IV.

On his part His Majesty the King of Prussia, in case His Majesty the Emperor of the French should be obliged by circumstances to cause his troops to enter Belgium, or to conquer it, will grant the succour of his arms to France, and will sustain her with all his forces of land and sea against every Power which, in that eventuality, should declare war upon her.

ARTICLE V.

To ensure the complete execution of the above arrangements, His Majesty the King of Prussia and His Majesty the Emperor of the French contract, by the present Treaty, an alliance offensive and defensive, which they solemnly engage to maintain. Their Majesties engage moreover, and specifically, to observe it in every case in which their respective States, of which they mutually guarantee the integrity, should be menaced by aggression, holding themselves bound in such a conjuncture to make without delay, and not to decline on any pretext, the military arrangements which may be demanded by their common interest, conformably to the clauses and provisions above set forth.

No. 19.

Sir A. Buchanan to Earl Granville.—(Received July 26.)

My Lord,

St. Petersburg, July 20, 1870.

M. DE WESTMANN has informed me that the Emperor has declared that he will maintain a strict neutrality in the war which has unfortunately broken out between France and Prussia, as long as no incident occurs of a nature to affect the interests of Russia.

I have learnt also from an authentic source that His Majesty has stated to General Fleury, in answer to an inquiry on his part, that he will take no part in the war except in the eventuality of Austria becoming a party to it, in which case he could not remain neutral.

I have thought it right to acquaint Lord Bloomfield with this declaration by telegraph.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 20.

Lord Bloomfield to Earl Granville.—(Received July 26.)

My Lord,

Vienna, July 16, 1870.

FROM the commencement of the present complication between France and Prussia, the Austrian Government have declared their intention to pursue a policy of neutrality, and I have just been informed that an assurance to this effect has been given to M. Curto Passi, the Italian Chargé d'Affaires, by Count Beust.

His Excellency said that Austria would remain neutral; she was not disposed to make any official declaration to this effect, but would pursue a neutral policy so long as Russia took no part in the conflict.

I have, &c.

(Signed) BLOOMFIELD.

No. 21.

Lord Bloomfield to Earl Granville.—(Received July 26.)

My Lord,

Vienna, July 20, 1870.

AT an interview which I had yesterday with Count Beust, he told me that the neutral policy to be pursued by Austria, at the present crisis, had just been decided at a Council at which the Emperor presided, and that various measures connected with this decision would be at once taken. He said it was not intended to make any public announcement on the subject, but he should address a circular despatch to the Representatives of Austro-Hungary abroad, in which her policy would be declared.

I inquired if there was any present intention of mobilising the army. His

Excellency replied that preparations would be made to place the army on a full peace footing, which was not at present the case; purchases of horses would be immediately effected, and other preparatory measures taken of a character similar to that usually adopted under the like circumstances. She could not remain behind hand, and these preparations would place the Austrian army in a position that would enable her, if necessary, soon to call it into activity; but he wished me to understand that these were mere precautionary measures and not directed, in any way, to influence the military movements of Prussia.

I have, &c.
(Signed) BLOOMFIELD.

No. 22.

Lord A. Loftus to Earl Granville.—(Received July 26.)

My Lord,

Berlin, July 17, 1870.

BARON THILE informed me to-day that he had received a telegram from M. Föhr, the Representative of the Grand Duchy of Luxemburg at this Court, stating that the French Government had officially notified their intention to respect the neutrality of the Grand Duchy, provided that it was likewise respected by Prussia.

His Excellency, by order of Count Bismarck, immediately replied that the North German Government would also respect the neutrality of the Grand Duchy as long as it was respected by France.

I have, &c,
(Signed) AUGUSTUS LOFTUS.

No. 23.

Lord A. Loftus to Earl Granville.—(Received July 26.)

(Extract.)

Berlin, July 18, 1870.

COUNT BISMARCK called on me this day, and informed me that he had submitted my note of yesterday* to the King.

He stated that, as France had taken the initiative of war, she must take the initiative of negotiations, any fresh concessions made by Prussia would produce the worst effect throughout Germany, and especially in Southern Germany; it would be misinterpreted at a moment when the whole nation was indignant at the menaces and insults offered to it by France.

I replied to his Excellency that Her Majesty's Government deeply deplored the rupture of friendly relations between two Powers with whom they were on intimate terms of friendship. They had used their best endeavours in behalf of peace, and they sincerely regretted that their counsels have been unattended with success.

No. 24.

Lord A. Loftus to Earl Granville.—(Received July 26.)

My Lord,

Berlin, July 19, 1870.

M. LE SOURD, the French Chargé d'Affaires, called on me to-day to say that he had received instructions to present a note to the Prussian Government, declaring that from this date France was in a state of war with Prussia, and to ask for his passports.

He then read me a despatch from the Duc de Gramont, stating that Her Majesty's Government had agreed to the proposal of the French Government to place the interests of French subjects under the protection of England, and he inquired whether he was authorized on my part to notify this to Baron Thile.

I stated to M. Le Sourd that I had received a communication from your Lordship in the sense mentioned by the Duc de Gramont, but that before accepting this charge I must, as a matter of form and courtesy ascertain from Count Bismarck whether this arrangement would be agreeable to the Prussian Government? I begged him, therefore,

* See Parliamentary Papers No. 1, page 57.

in mentioning this circumstance to Baron Thile, to state that I accepted conditionally on receiving the assent of the Prussian Government.

I accordingly waited the same day on Baron Thile, and I begged his Excellency to inform Count Bismarck officially of the proposal made, and to inquire whether this arrangement would be agreeable to the Prussian Government. Count Bismarck immediately agreed to the proposal, and the archives of the French Embassy, having been previously sealed with the seals of Her Majesty's Embassy, were delivered over to Mr. Dering, Third Secretary at Her Majesty's Embassy, and a Protocol was signed, of which I have the honour to inclose a copy.

In the instruction of the Duc de Gramont a proposal was made to leave the Chancelliers of their Embassies, here and at Paris, at their respective posts for the transaction of current business, but this proposal was declined by Count Bismarck.

Before leaving Berlin, M. Le Sourd proposed to me to continue as an assistant for the transaction of the current business a person of the name of Van de Velde, a Belgian by birth, but who has been employed for many years as a translator and copyist at the French Embassy.

I told M. Le Sourd that as Count Bismarck had refused to allow the French Chancellor to remain, I could not accept any one to perform his functions, or to assist me in affairs relating to French subjects without previously notifying the fact to the Prussian Government and obtaining their assent. I, therefore, informed M. Van de Velde, when he was presented to me by M. Le Sourd, that I would communicate with Baron Thile before I could accept his services.

I accordingly referred the matter to Baron Thile, and he informed me to-day that the Prussian Government could not sanction this arrangement. I shall, therefore, inform M. Van de Velde that I cannot accept his services.

Your Lordship will, I think, approve the course I have taken. I feel that I could not have safely accepted the services of a person who had been for so many years in the French Embassy, and who continued in the pay of the French Government, without the previous knowledge and sanction of the Prussian Government.

In the delicate task of taking charge of the interests of French subjects, I shall act with great caution, with great impartiality, with great openness towards the Prussian Government, and with every care and attention for the interests committed to my charge.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 24.

Protocol.

Berlin, le 20 Juillet, 1870.

CEJOURD'HUI, vingt Juillet, mil huit cent soixante-dix, il a été procédé à la remise des archives de l'Ambassade de France à Berlin entre les mains de l'Ambassade d'Angleterre en Prusse ; les scellés ont été apposés sur les armoires, au nombre de six, contenant les dites archives, et signés, ainsi que le présent procès-verbal, par Mr. Dering, Secrétaire de l'Ambassade d'Angleterre, et M. le Baron de Wimpffen, Secrétaire de l'Ambassade de France, à ce délégués par son Excellence Lord A. Loftus, Ambassadeur de Sa Majesté Britannique, et M. George le Sourd, Chargé d'Affaires de Sa Majesté l'Empereur des Français.

(Signed) WIMPFEN,
Second Secrétaire de l'Ambassade de France.
HENRY DERING,
Secretary at Her Britannic Majesty's Embassy.

(Translation.)

Berlin, July 20, 1870.

THIS day, twentieth July, eighteen hundred and seventy, the archives of the Embassy of France in Berlin were deposited in the hands of the English Embassy in Berlin; the seals were affixed to the chests, to the number of six, containing the said archives, and signed, as well as the present procès-verbal, by Mr. Dering, Secretary of the English Embassy, and by Baron Wimpffen, Secretary of the French Embassy, delegated

for this purpose by his Excellency Lord A. Loftus, Ambassador of Her Britannic Majesty, and M. George le Sourd, Chargé d'Affaires of His Majesty the Emperor of the French.

Signed) WIMPFEN,
Second Secretary of the French Embassy.

HENRY DERING,
Secretary at Her Britannic Majesty's Embassy.

No. 25.

Lord A. Loftus to Earl Granville.—(Received July 26.)

My Lord,

Berlin, July 22, 1870.

I HAVE the honour to transmit to your Lordship the accompanying address, with translation by Mr. O'Connor, which was presented by the Members of the Federal Parliament through their President, Dr. Simson, to the King of Prussia, expressing their sympathy with him in the present crisis, and their admiration of the manner in which he had vindicated the honour of the Fatherland.

The President reported to the House, by the King's desire, His Majesty's answer, which the House rose to listen to: it ran as follows:—

“His Majesty gave utterance to his heartfelt thanks for such beautiful and noble expressions, full of sacrifice for the German Fatherland. He recognized in this unanimous declaration a pledge for final and complete success in the great task which lay before him and them, and from it His Majesty obtained assurance of his full confidence that the nation would never cease to perform this task with unwearying perseverance.”

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 25.

Address of the Federal Parliament to the King of Prussia.

(Translation.)

Most Illustrious, Mighty, and Gracious King and Lord,

THE noble words which your Majesty, in the name of the Confederated Governments have addressed to us, are powerfully re-echoed by the German people.

One mind, one will, stirs the German hearts in this eventful moment.

The courteous earnestness and high dignity with which your Majesty repelled the unheard-of demands of the enemy, who thought to humiliate us, and now, on an ill-fabricated pretext, wages war against the Fatherland, has filled the nation with joyous pride.

The German people have no other wish than to live in peace and friendship with all nations who respect their honour and their independence.

Now, as in the glorious time of the War of Independence, a Napoleon forces us into a holy war for our rights and our liberty.

Now, as then, all calculations founded on the baseness and disloyalty of men will be frustrated by the moral courage and determined resolution of the German people.

That portion of the French people which has been led astray by jealousy and inordinate ambition, will too late perceive the evil seed which, in every people, springs out of a bloody struggle.

The thinking portion of the people have not succeeded in warding off this crime directed against the prosperity of France, and the fraternal intercourse of nations.

The German people are aware that a serious and important struggle awaits them.

We rely on the bravery and patriotism of our armed brethren, on the firm resolution of an united people, to sacrifice all they have, and not to suffer the foreign conqueror to bow the neck of the German people.

We trust the experienced leadership of the veteran hero-King, the Commander-in-chief to whom Providence has, at the close of his life, allotted the task of bringing to a decided termination, the war which he took part in as a boy more than half a century ago.

We trust in God, whose justice punishes the sanguinary outrage.

From the sea coast to the foot of the Alps, the people have risen in answer to the call of their unanimous and united Princes.

No sacrifice is too great for them.

The public opinion of the civilized world recognizes the justice of our cause.

Friendly nations see in our triumph their liberation from the Bonapartist desire of power which presses upon them too, and the expiation of the injustice likewise practised on them.

The German people will find, on the field of battle, the basis of that peaceful and free union which is respected by all nations.

Your Majesty and the Confederated German Governments find us, like our brothers in the South, ready.

It is a question of our honour and our liberty, of the peace of Europe, and the prosperity of the people.

With deepest reverence we remain the most humble and obedient subjects of your Majesty,

The Reichstag of the North German Confederation.

No. 26.

Lord A. Loftus to Earl Granville.—(Received July 26.)

My Lord,

Berlin, July 22, 1870.

I HAVE not failed, in obedience to your Lordship's instructions, to inform Baron Thile that there was not the slightest truth in the report communicated to the French Government from Wurtemberg, that your Lordship had said "that France would attack Prussia by sea and land without a previous declaration as soon as she received a negative answer."

I have not heard any allusion to this report either in official or diplomatic circles here.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 27.

Lord A. Loftus to Earl Granville.—(Received July 26.)

My Lord,

Berlin, July 23, 1870.

I HAVE the honour to inclose, in translation, a Royal Ordinance, dated the 18th instant, exempting French merchant-vessels from capture and seizure as prizes by ships of war of the North German Confederation, except in cases where neutral vessels would be liable to seizure.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 27.

*Decree respecting the Capture and Seizure as Prize of War of French Merchant-Vessels,
July 18, 1870.*

(Translation.)

WE, William, by the grace of God, King of Prussia, &c., decree, in the name of the North German Confederation, as follows :

French merchant-vessels shall not be subject to be captured or seized as prizes of war by vessels of the Royal Navy of the Confederation. This rule does not of course apply to those vessels which would be subject to capture or seizure if they were neutral vessels.

Given, &c.

(Signed) WILLIAM.

(Signed) VON BISMARCK.

Lord A. Loftus to Earl Granville.—(Received July 26.)

My Lord,

Berlin, July 23, 1870.

ON the receipt of your Lordship's telegram of the 20th instant, and of your despatch of the 16th instant,* which reached me by post on the morning of the 18th instant, I have had interviews with M. Delbrück, the President of the Federal Office, on the subject of the regulations for the treatment of neutral ships and commerce.

His Excellency stated that there was no occasion to repeat the recognition by Prussia of the principles agreed to under Protocol 23 of the Treaty of Paris, for they have been embodied and published as a law in Prussia, giving them thereby the validity of an act of legislation.

Your Lordship will further see by the instructions issued and the Ordinance published by the Prussian Government, copies of which are inclosed in my despatches of this date, that the Prussian Government have waived the right of seizing enemy's merchant-vessels at sea. Enemy's vessels in Prussian harbours will have six weeks to clear out of port, either laden or in ballast.

I have thought it right, however, to obtain in writing a confirmation of the recognition by Prussia of the principles laid down by the Treaty of Paris, and I therefore addressed a note to M. Delbrück in the language of your Lordship's despatch of the 16th instant, of which I have the honour to inclose herewith a copy.

To this note I received this day an answer, signed by Count Bismarck, of which I inclose a copy in translation, in which a formal recognition is given of the Declaration agreed to by the several Powers on the 16th April, 1856.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure 1 in No. 28.

Lord A. Loftus to M. Delbrück.

M. le Président,

Berlin, July 22, 1870.

IN conformity with the instructions of Earl Granville, Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to bring under your Excellency's notice the question of the treatment of neutral ships and commerce in the approaching war between Germany and France.

At the commencement of the war between England and France and Turkey on the one hand, and Russia on the other, the two first-named Powers immediately made public their intention to interfere as little as possible with the commerce of neutrals, and to renounce a portion of the belligerent rights which, under the Law of Nations, would have appertained to them.

The renunciations thus spontaneously given at the commencement of the war were adopted at the close of it by all the Powers represented in the Conference of Paris, and subsequently, at their invitation, acceded to by nearly all the maritime Powers of the world.

Her Majesty's Government cannot doubt that the principles recorded in the Declaration of Paris of the 30th of March, 1856, will be scrupulously acted on by the belligerents in the present war.

But the Prussian Government may perhaps be disposed formally to announce that, for its part, they will form the rule of its conduct in the prosecution of hostile operations at sea.

Her Majesty's Government have addressed a communication to the same effect to the Government of France.

I profit, &c.
(Signed) AUGUSTUS LOFTUS.

* See Parliamentary Papers No. 1, page 41.

Inclosure 2 in No. 28.

Count Bismarck to Lord A. Loftus.

(Translation.)

M. l'Ambassadeur,

Berlin, July 23, 1870.

I HASTEN, in answer to the esteemed note which I had the honour to receive from your Excellency yesterday, to inform you that the laws laid down in the Paris Declaration of 16th April, 1856, respecting the right of navigation in time of war, are legally valid throughout the whole of the States of the North German Confederation, and will certainly be respected by the North German Confederation during the present war.

I avail, &c.

(Signed) VON BISMARCK.

No. 29.

[Printed in Parliamentary Papers No. 2.]

Lord A. Loftus to Earl Granville.—(Received July 26.)

My Lord,

Berlin, July 23, 1870.

IN conformity with the instructions of your Lordship's despatch of the 16th instant, received yesterday morning,* I have stated to Baron Thile that Her Majesty's Ambassador at Paris had reported the language held to him by the Duc de Gramont, in which he announced the determination of the French Government to respect the neutrality of Belgium; and that I was instructed by your Lordship to state to Count Bismarck that this declaration, spontaneously made by France, only confirms the confident expectation of Her Majesty's Government that both Prussia and France, even under the pressure of war, would scrupulously respect the Treaties of Neutrality to which they were parties.

Baron Thile replied to this communication, that the Government of the North German Confederation had expressed, on three different occasions, their determination to respect the neutrality of Belgium. They had done so verbally to Baron Nothomb, the Belgian Minister at this Court; they had repeated these assurances to the Belgian Government through their Representative at Brussels; and, lastly, a document to this effect, signed by Count Bismarck, had been addressed to Baron Nothomb. His Excellency added that the North German Government had also formally recognized the neutrality of Luxemburg, Holland, and Switzerland.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 30.

Lord A. Loftus to Earl Granville.—(Received July 26.)

My Lord,

Berlin, July 23, 1870.

I HAVE the honour to inclose to your Lordship herewith, with translation in French and English, the papers submitted to the Federal Parliament by the Chancellor of the North German Confederation on the question which has led to the rupture between France and Prussia.

These papers give a clear and detailed account of all that passed between the King of Prussia and the French Ambassador at Ems of the interview between Baron Werther and the Duc de Gramont on the return of the former from Ems, closing with the declaration of war delivered to Count Bismarck by the French Chargé d'Affaires on the 19th instant, which document Count Bismarck stated was the only official paper which had been received from the French Government on the question at issue.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

* See Parliamentary Papers No. 1, page 41.

Inclosure 1 in No. 30.

Full Précis in Translation, explanatory of the Collection of Documents relating to the present crisis.

THE Federal Chancellor, Count Bismarck, after expressing regret that a press of business should have detained him somewhat late, said it had been his intention to lay before them that day every document connected with the present situation which was in the hands of the Government, but they had not reached him in time.

So important a crisis in Europe had never occurred where the correspondence connected with it was so meagre. The only document we have received from the French Government was the declaration of war.

This document is the first official communication which has been made to us by France, since the question put by the French Chargé d'Affaires, on the 4th or 5th, as to what information we possessed respecting the candidature, and our answer that we had no information. Any conversation held between His Majesty and Count Benedetti must be considered as of a personal and private nature, of no international importance. All personal statements which it was attempted to extract from His Majesty in the guise of private conversation can never be considered as official acts, but as private communications; unless His Majesty repeated these communications in his capacity of Head of the State, thereby expressing his will that they should be considered official acts.

After these remarks respecting the French declaration of war, Count Bismarck wished to say a few words respecting the remaining documents, consisting principally of communications made by the Federal Foreign Office after all hope of arrangement was at an end, to show other Governments the progress of the affair up to the present time.

These communications contain the well-known telegram, the only remaining ground upon which the French Ministry could base a declaration of war, and could only be used in that way by its being designated as a note sent from the Prussian to the other Governments. He would not go into the definition of what a "note" really was; but the French Government had publicly designated a newspaper communication, intended merely to inform our Representatives at German and other Courts exactly the actual state of the case, and of our feeling upon it, a note. The Ministry took care not to produce this document to the Chamber, as was demanded by a few members of the Opposition; for as soon as the representatives of the people had read and appreciated this so-called document, the whole fabric upon which the declaration of war was based must have fallen to the ground, for the official document was nothing but a newspaper telegram.

Nos. 2 and 3, were the statements made known through the newspapers respecting the important, though not official, events which occurred at Ems.

No. 4 was a Report from Baron Werther from Paris, dated July 12.

This was an official document between Prussian officials, but still it was not a document that had passed between France and Prussia. It contained a report of a conversation between Baron Werther and the Duc de Gramont, at which M. Ollivier was also present. This report informed us of the impossible conditions of a letter of apology to be written by His Majesty; and what its contents were expected to be. Count Bismarck's answer to this was, that he felt sure Baron Werther must have misunderstood the French Minister for Foreign Affairs, as proposals of this nature seemed impossible; and anyhow in his capacity as responsible Minister he declined to submit them officially to his Sovereign. If the French Government had demands of this nature to make, they should be made through the French Ambassador here.

The 5th was a Circular of the 18th instant, communicating the preceding documents to the German and other Governments.

The 6th, and this is the sole example of what is generally, in similar circumstances, a very numerous class of documents, is an attempt at mediation by a friendly Government, that of Great Britain, contained in a note of the British Ambassador, Lord A. Loftus, and No. 7 is a translation of the same.

No. 8 was the answer of the Federal Chancellor, which he read to the House, and by the terms of which the members could see that the attitude taken by the North German Foreign Office of calm moderation was preserved up to the last.

(Follows Bismarck's answer. See Inclosure in Lord A. Loftus' despatch of the 19th instant.)

Then followed the French text of the declaration of war, and its translation into German, and the Circular addressed to the Representatives of the North German Confederation respecting the causes which led to the breaking out of war, and our attitude as regarded them. This Circular embodies a more recent document which has, in point

of fact, become the principal one, and one of about two days later, which latter has, by the rapid march of events, become out of date, and has only been subsequently communicated on historical grounds, as it rested on the assumption that the declaration of war had not yet come to hand.

Inclosure 2 in No. 30.

Précis in Translation of Circular addressed by Count Bismarck to the Representatives of the North German Confederation at German and Foreign Courts, July 18, 1870.

[See Inclosure 1 in No. 8.]

Inclosure 3 in No. 30.

Circular Despatch addressed by Count Bismarck to the Representatives of the North German Confederation, July 19, 1870.

[See No. 9.]

No. 31.

Lord A. Loftus to Earl Granville.—(Received July 26.)

(Extract.)

Berlin, July 23, 1870.

THE extraordinary session of the Federal Parliament was closed yesterday.

The most interesting portions of the proceedings during its late rapid session were the Address, which was unanimously voted, in answer to the King's speech, and of which I have forwarded a copy and translation to your Lordship in my despatch of the 22nd instant; and the speech delivered by Count Bismarck, of which I inclose, herewith, a full précis in translation by Mr. Dering.

Inclosure in No. 31.

Précis of Proceedings in the Extraordinary Sitting of the Reichstag of July 16, 1870.

THE President (Count Bismarck) declared that the events which had brought Europe within the last fortnight from a state of profound peace to the verge of a great war have been of so public a nature, that a statement of the actual situation could only be the recital of facts already known.

From the communications made by the President of the Spanish Council to the Cortes of the 11th June, from the published despatch of the Spanish Minister for Foreign Affairs of the 7th instant, and from a declaration made by M. Salazar in Madrid on the 8th, it became known that the Spanish Government had been for months carrying on negotiations with Prince Leopold of Hohenzollern regarding the acceptance of the Spanish Crown; that these negotiations were conducted direct by M. Salazar and the Prince and his father, without the participation of any other Government, and that the Prince accepted the candidature. The King of Prussia, when informed of this, did not think necessary to oppose a decision arrived at by a Prince of full age, and with the approval of his father.

Both the Foreign Office of the North German Confederation and the Prussian Government were strangers to these proceedings. Their first intimation of the decision of the Spanish Ministry to offer the Crown to the Prince came from Paris, in a telegram of the evening of the 3rd instant.

On the 4th instant the French *Chargé d'Affaires* here mentioned to the Secretary of State for Foreign Affairs the disagreeable impression made upon France by the candidature of the Prince, and inquired if Prussia was concerned in the affair. He was told that the Prussian Government had no connection with the question ("für die Preussische Regierung nicht existiren"), and that they could give no information as to any negotiations between the Spanish President of Ministers and Prince Leopold.

On the same day the Duc de Gramont spoke in a similar sense to Baron Werther at

Paris, and said that, in the secrecy which had been observed during the negotiations, public opinion would see unfriendly behaviour on the part of Prussia as well as of Spain. The event, if accomplished, would be fraught with danger to the continuation of peace. They appealed to the wisdom of the King. Baron Werther was starting on leave to Ems the next day, and the French Minister requested him to lay the matter before His Majesty, and answer him by telegraph. The North German Ambassador could only answer he knew nothing of this matter, but undertook to lay the circumstances before his Sovereign.

On the day of Baron Werther's departure, M. Cochery made an interpellation in the French Chamber on the Spanish question. The Duc de Gramont, before any intelligence could have been received from Baron Werther, replied that, although the details of the negotiation were unknown, the French Government was not obliged to permit that "a foreign Power" should disturb the present balance of power in Europe, and endanger the interests and honour of France by placing one of its Princes on the Throne of Charles V.

On the 9th instant, the Prussian Chargé d'Affaires in Paris, as on the 4th, the French Chargé d'Affaires here, was informed that the question only concerned Spain and the candidate for her Throne, and in no wise Prussia and Germany. The negotiations had been conducted by Prim with the Prince direct. The King of Prussia, out of respect for the will of Spain and the Prince, abstained from any interference whatever.

The French Ambassador here had, in the meantime, been sent to Ems, and was received by the King on the 9th, to whom he made the same remarks as those with which the Duc de Gramont had charged Baron Werther. The King replied, that the tranquillity of Europe was disturbed by no act of Prussia, but by the declaration of the Imperial Government in the Chamber. It was put before him that His Majesty's position, as head of the family, was apart from State affairs in this question, and it was decided that any influence which should be exercised on the Princes of Hohenzollern would be an encroachment of their freedom of choice.

The Prince, however, of his own free will, on the 12th instant, renounced his candidature to the Throne. The Prussian Government first heard of this from Paris, as the Spanish Minister then showed the Prince's telegram to the Duc de Gramont in the presence of the Prussian Ambassador, who had that day returned to Ems from Paris.

The Duc de Gramont informed Baron Werther the same day, that the withdrawal of the Prince's candidature was a secondary consideration. The question was the wrong done to France by the King of Prussia sanctioning the Prince's acceptance of the candidature without previously coming to an understanding with France. He proposed that the King of Prussia should write to the Emperor saying, that he, in giving that sanction, did not intend thereby an injury to the interest and dignity of France, and associating himself with the renunciation of the Prince.

On the following day Count Benedetti, at Ems, made to His Majesty the proposition that he should approve the renunciation of the Prince, and give the assurance that this candidature should not be renewed in the future. The King, upon this, declined to receive M. Benedetti. The Duc de Gramont, in communication with Baron Werther, added further the request for a letter of apology from His Majesty to the Emperor Napoleon.

There is one thing to be added to this statement. His Majesty was told of the negotiations between the Spanish Government and Prince of Hohenzollern under the seal of secrecy, and it being a family matter he did not communicate it to his Government.

The neighbourly relations between France and Spain and the old personal relations existing between the Emperor and the Princely House of Hohenzollern seemed to point out the simplest way in which such tidings should be conveyed to France.

The Confederate Government will see from the foregoing how little the President of the North German Confederation could anticipate that France would regard the acceptance of the candidature of Prince Hohenzollern as a mortification inflicted upon her. Had this candidature really aggrieved France, her course should have been to enter into confidential negotiations with Prussia, with a view to have it set aside. The declaration of the Duc de Gramont rendered this course impossible. The reception of this declaration in the Chamber, and the subsequent attitude of the French Government, rendered it clear to Prussia that France had from the commencement intended either her humiliation or war. Public opinion in Germany feels that the author of a war between France and Germany is responsible for the horrors which must necessarily accompany it, and is guilty of a great crime towards humanity. There is now nothing left but war, or a guarantee given by France against the renewal of similar threats against the peace and welfare of Europe.

Baron von Friesen, in the name of the Saxon Government, approved of every step

taken by the Presidency of the Board, and of the view taken by Prussia on this question : France wanted war. Let it be waged then, and with vigour.

The Representatives of all the Confederated States associated themselves with Baron Friesen's resolution.

No. 32.

Mr. Lumley to Earl Granville.—(Received July 26.)

My Lord,

Brussels, July 22, 1870.

THE "Moniteur Belge" of this date contains an official declaration from the Foreign Office, warning Belgian citizens from committing any act contrary to the duties of neutrality, and calling attention to Article 123 of the Belgian Penal Code, punishing infractions of that neutrality, which Belgium is bound to observe towards the belligerent Powers.

A further article published in the same paper states that a Circular has been addressed to the Belgian Diplomatic officers, recalling the position awarded to Belgium by the public law of Europe, repeating the assurances which Belgium has received from the belligerent Powers, that her neutrality will be respected, and affirming the determination of the Belgian Government to remain faithful to its engagements.

This latter document has not yet been published.

I have, &c.

(Signed) J. SAVILE LUMLEY.

Inclosure in No. 32.

Extract from the "Moniteur Belge" of July 22, 1870.

Ministère des Affaires Etrangères.

L'ETAT de guerre existant entre deux Puissances voisines, le Gouvernement du Roi croit devoir rappeler que la Belgique est un Etat perpétuellement neutre et que tout acte contraire aux devoirs de la neutralité doit, par conséquent, être soigneusement évité.

Le nouveau Code Pénal Belge, Article 123, contient la disposition suivante, qu'il peut être opportun de signaler à l'attention publique :—

"Quiconque, par des actions hostiles non approuvées par le Gouvernement, aura exposé l'Etat à des hostilités de la part d'une Puissance étrangère, sera puni de la détention de cinq ans à dix ans, et, si des hostilités s'en sont suivies, de la détention de dix ans à quinze ans."

On rappelle, au surplus, que la Belgique a adhéré aux principes consacrés par la Déclaration du Congrès de Paris du 16 Avril, 1856, laquelle, entre autres dispositions, abolit les armements en course.

Bruxelles, le 22 Juillet, 1870.

Le "Moniteur" publie, dans sa partie officielle, une notification rappelant à tous les citoyens Belges que la Belgique est un Etat perpétuellement neutre, et signalant les dispositions légales qui répriment tout acte contraire aux devoirs de la neutralité que la Belgique est tenue d'observer envers les Puissances belligérantes.

Le Gouvernement a adressé, en même temps, à nos Agents Diplomatiques, une circulaire qui, après avoir retracé la position de la Belgique dans le droit public Européen, constate les assurances écrites et de tous points conformes à notre attente, que nous avons reçues des Puissances engagées dans le conflit actuel, ainsi que notre intention ferme et franche de nous montrer, aujourd'hui comme dans le passé, fidèles à tous nos engagements.

(Translation.)

Ministry for Foreign Affairs.

A STATE of war existing between the two neighbouring Powers, the Government of the King think it necessary to recall to mind that Belgium is a state perpetually neutral, and that every act contrary to the duties of neutrality ought, consequently, to be carefully avoided.

The new Penal Code of Belgium, Article 123, contains the following Decree, which it may be opportune to call to the attention of the public :—

"Whoever, by hostile actions not approved of by the Government, shall expose the State to hostilities on the part of a foreign Power, shall be punished by imprisonment of

five years to ten years, and if hostilities have followed from such actions, with imprisonment of ten years to fifteen years."

It is to be remembered, furthermore, that Belgium has adhered to the principles established by the Declaration of the Paris Congress of April 16, 1856, which, among other Decrees, abolishes privateering.

Brussels, July 22, 1870.

The "Moniteur" publishes in its official column a notification reminding Belgian citizens that Belgium is a state perpetually neutral and promulgating the legal decrees which repress every act contrary to the duties of the neutrality which Belgium is held to observe towards belligerent Powers.

The Government has addressed at the same time to our Diplomatic Agents a Circular which, after having shown the position of Belgium in the Public Law of Europe, states the written assurances, and conformable in every point to our conduct, which we have received from the Powers engaged in the present conflict, as well as our firm and frank intention to show ourselves now, as formerly, faithful to our engagements.

No. 33.

Lord Lyons to Earl Granville.—(Received July 26.)

My Lord,

Paris, July 25, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a declaration respecting the rules of International Law which will be observed during the war.

I have, &c.
(Signed) LYONS.

Inclosure in No. 33.

Extract from the "Journal Officiel" of July 25, 1870.

LE Gouvernement de l'Empereur a donné des ordres pour que, dans la poursuite de la guerre, les Commandants des Forces Françaises de terre et de mer observent scrupuleusement vis-à-vis des Puissances qui demeureront neutres les règles du droit international, et pour qu'ils se conforment notamment aux principes posés dans la Déclaration du Congrès de Paris du 16 Avril, 1856, savoir:—

1. La course est et demeure abolie.
2. Le pavillon neutre couvre la marchandise ennemie, à l'exception de la contrebande de guerre.
3. La marchandise neutre, à l'exception de la contrebande de guerre, n'est pas saisissable sous pavillon ennemi.
4. Les blocus, pour être obligatoires, doivent être effectifs, c'est-à-dire, maintenus par une force suffisante pour interdire réellement l'accès du littoral de l'ennemi.

Bien que l'Espagne et les Etats-Unis n'aient point adhéré à la Déclaration de 1856, les vaisseaux Français ne saisiront pas la propriété de l'ennemi chargée à bord d'un vaisseau Américain ou Espagnol à moins que cette propriété ne soit contrebande de guerre.

Le Gouvernement de l'Empereur ne compte pas non plus revendiquer le droit de confisquer la propriété des citoyens Américains ou Espagnols qui serait trouvée à bord des bâtiments ennemis.

(Translation.)

THE Government of His Majesty has given orders that, in the prosecution of this war, the Commanders of his forces, by land and sea, shall scrupulously observe towards such Powers as shall remain neutral the rules of international law, and shall especially conform to the principle laid down in the Declaration of the Congress of Paris of the 16th of April, 1856, which are as follows:—

1. Privateering is and remains abolished.
2. A neutral flag covers enemy's merchandize, with the exception of contraband of war.

3. Merchandize of neutrals, except contraband of war, sailing under an enemy's flag is not seizable.

4. Blockades, in order to be binding, must be effectual; that is, they must be maintained by a force really sufficient to prevent the enemy from obtaining access to the coast.

Although Spain and the United States did not adhere to the Treaty of 1856, His Majesty's ships will not seize enemy's property sailing on board an American or Spanish vessel, unless such property is contraband of war.

Moreover, His Majesty does not intend to vindicate his right of confiscating the property of American or Spanish subjects which may be found on board an enemy's vessel.

No. 34.

[Printed in Parliamentary Papers No. 2.]

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 26, 1870.

AS I have already apprized you by the telegraph, I have been informed by Her Majesty's Ambassador at Berlin that Count Bismarck would this day publish in the Berlin papers the text of a Treaty in five Articles which M. Benedetti is said to have proposed on the part of France to Prussia when the question respecting the Belgian railways was in discussion.

The heads of the several, Articles as reported by Lord Augustus Loftus, correspond with the detailed version of the Articles first published in the "Times," and transmitted to your Excellency in my despatch of yesterday.

Lord Augustus Loftus adds that the minutes of this Treaty are entirely in M. Benedetti's writing, and that Count Bernstorff was in possession of a copy of it.

I am, &c.
(Signed) GRANVILLE.

No. 35.

[Printed in Parliamentary Papers No. 2.]

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 26, 1870.

M. DE LAVALETTE called on me to-day, and the conversation turned at once upon the draft Treaty between Prussia and France which was published in the "Times" of yesterday.

He told me that now that war had been declared between France and Prussia, there only remained for him two objects in his post here. These were to maintain intimate relations between the two Governments, and to preserve the friendly feelings, the growth of late years, between the two nations.

The plan contained in the alleged draft Treaty published in the "Times" was one which had been originated by M. de Bismarck, had been the subject of some conversation with M. Benedetti, but it never had any serious basis, and was rejected by both parties.

M. de Lavalette went on to say that the Government of the Emperor had absolutely respected the neutrality of Belgium, even when there was reason to complain of her conduct; that during the last month the Emperor had made a declaration to the Belgian Government, which had also been communicated by M. de Gramont to Lord Lyons, and which, M. de Lavalette said, I must know was absolutely binding on the honour of His Imperial Majesty, unless, indeed, the neutrality was violated by the other belligerent.

I assured M. de Lavalette that I had been long aware of his friendly disposition towards this country, and of his desire to maintain intimate relations between France and England. I would not fail to inform my colleagues of the statement that his Excellency had made to me.

I am, &c.
(Signed) GRANVILLE.

No. 36.

M. de Lavalette to Earl Granville.—(Received July 26.)

M. le Comte,

Londres, le 25 Juillet, 1870.

AINSI que j'ai eu l'honneur de la faire savoir verbalement à votre Excellence, j'ai été chargé par le Gouvernement de l'Empereur de lui demander que le Cabinet de Londres voulût bien inviter ses Agents en Allemagne à prendre sous leur protection les sujets Français résidant dans les pays avec lesquels nous nous trouvons actuellement en état de guerre.

Je vous serais très reconnaissant, M. le Comte, de m'informer officiellement de l'accueil favorable que le Cabinet de Londres, ainsi que vous me l'avez dit dans un de nos derniers entretiens, a bien voulu faire à cette communication.

Je m'empresse d'offrir à votre Excellence mes remerciements anticipés pour cette protection accordée à nos nationaux par le Gouvernement Britannique, et je vous prie, &c.
(Signé) LAVALETTE.

(Translation.)

M. le Comte,

London, July 25, 1870.

AS I had the honour to state verbally to your Excellency, I have been instructed by the Emperor's Government to ask that the Cabinet of London will be good enough to request its Agents in Germany to take under their protection the French subjects residing in the countries with which we are now in a state of war.

I should be very grateful, M. le Comte, if you would officially inform me of the favourable reception which, as you told me at one of our last interviews, the Cabinet of London has been good enough to give to this communication.

I hasten to express to your Excellency, in anticipation, my thanks for the protection afforded to our people by the British Government, and I beg, &c.
(Signed) LAVALETTE.

No. 37.

Earl Granville to M. de Lavalette.

M. l'Ambassadeur,

Foreign Office, July 26, 1870.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of yesterday's date referring to the verbal communication which your Excellency did me the honour to make to me on the 16th instant, and the object of which was to express the desire of the Imperial Government that upon the breaking off of relations between France and North Germany, French subjects in the North German Confederation should be received under the protection of Her Majesty's Ambassadors and Consuls.

I have now the honour to repeat to your Excellency the assurance which I expressed to you verbally on that occasion, that Her Majesty's Government being happy to afford any friendly office to the Government of the Emperor, would readily assent to their wishes in this respect; reserving to themselves, however, to follow the same course in France as regards German subjects in the event of their being requested to do so by the North German Confederation.

I am, &c.
(Signed) GRANVILLE.

No. 38.

Sir H. Howard to Earl Granville.—(Received July 26.)

My Lord,

Munich, July 23, 1870.

"HOFFMANN'S Correspondence," the official organ of the Bavarian Government, contains, under yesterday's date, the following announcement:—

"After the diplomatic relations between Bavaria and France had been broken off, in consequence of the known political events, the Imperial French Government has confided the protection of French subjects in Bavaria to the Royal British Legation at this Court; and the Royal Bavarian Government, after having obtained the King's authorization, has

confided the representation and protection of the Bavarian subjects residing, or temporarily sojourning in France, to the Legation of the Swiss Confederation at Paris, with the consent of the Federal Government."

I have, &c.
(Signed) HENRY F. HOWARD.

No. 39.

Sir H. Howard to Earl Granville.—(Received July 26.)

My Lord,

Munich, July 23, 1870.

ON the 19th instant I had the honour of informing your Lordship, by telegraph, that the Prussian Minister had addressed to this Government a formal demand for the application of the terms of the Treaty of Defensive and Offensive Alliance between Prussia and Bavaria of 22nd August, 1866, to which the Bavarian Government replied, after the vote of the Chamber of Deputies, I believe in the night of that day, by acknowledging the *casus fœderis* foreseen by the Treaty, and declaring their intention of taking part in the war as the ally of Prussia.

On the receipt of this intelligence the King of Prussia addressed, on the 20th instant, to the King of Bavaria, the telegram of which, if the text published by the newspapers be correct, the following is a translation:—

"After the receipt of the telegram of your Government I immediately undertook the command of the Bavarian army, and assigned the latter to the third army, placed, under the command-in-chief of the Crown Prince. We have been cast from the deepest peace into war by an unheard-of wantonness. Your true German attitude likewise electrified your people. All Germany is united, as it never previously was. May God bless our arms in the varying fortunes of war! I express to you my deepest gratitude for your loyal adherence to the Treaty, upon which the salvation of Germany depends."

To this telegraphic message the King of Bavaria replied:—

"Your telegram has found the most joyful echo in my breast. My troops will enter with enthusiasm into the struggle for German right and German honour, alongside of their renowned brothers in arms. May its result be beneficial to Germany and salutary to Bavaria."

The Crown Prince of Prussia is not now expected here until the 25th instant. His Royal Highness, upon the invitation of His Bavarian Majesty, will occupy apartments in the Palace.

His Royal Highness Prince Luitpold of Bavaria will not hold an active command, but will be attached, as Bavarian Military Commissary, to the head-quarters of His Majesty the King of Prussia.

Count Berchem, of the Bavarian Foreign Department, will likewise be attached to His Majesty's head-quarters, in a civil capacity, in order to furnish the Bavarian Government with reports on passing events.

I have, &c.
(Signed) HENRY F. HOWARD.

No. 40.

Mr. Bonar to Earl Granville.—(Received July 27.)

My Lord,

Berne, July 23, 1870.

WITH reference to my despatch of the 18th instant, I have the honour to acquaint your Lordship that the official communication made by Count Bismarck to the Federal Council fully bears out the verbal assurances previously given by M. de Thile to the Swiss Chargé d'Affaires at Berlin, and declares in the most distinct terms that the neutrality of the Swiss territory shall be respected during the war by the German forces, and trusts to the measures and assurances of the Federal Government to protect it from all other aggression.

Baron Ottenfels, the Austrian Minister at Berne, has announced officially to the Federal Government the declaration of Count Beust that Austria will preserve a "passive and neutral attitude during the present hostilities."

The International Society for the Succour of the Sick and Wounded in Battle, without

distinction of nationality, has established a Committee and dépôt at Basle, and is already displaying much alacrity in collecting materials for its humane work.

I have, &c.

(Signed) A. G. G. BONAR.

No. 41.

Lord Lyons to Earl Granville.—(Received July 27.)

My Lord,

Paris, July 26, 1870.

I HAVE the honour to transmit to you an extract from the "Journal Officiel" of this morning, containing the text of a circular, dated the day before yesterday, which has been addressed by the Duc de Gramont to the French Representatives abroad.

The circular begins by disputing the accuracy, in some particulars, of a report made by Baron de Werther to his Government of a conversation with M. de Gramont.

It proceeds to defend the French Government against the reproaches which have been levelled at it for treating the question of the candidature of the Prince of Hohenzollern with the King of Prussia directly.

In conclusion, the circular recites at full length a despatch from M. Benedetti to the Marquis de Lavalette which is dated the 31st of March, 1869, and which states very distinctly that M. de Thile declared at that time most positively that there had not been and could not be any question of the Prince of Hohenzollern's being a candidate for the Throne of Spain.

M. de Gramont spoke to me this afternoon of this circular. He said that he considered that it established two points beyond contradiction. First, that the French Government were actually forced to treat directly with the King of Prussia at Ems; and secondly, that Prussia, having before given assurances which had not been fulfilled, France was entitled, and indeed bound, to demand a guarantee for the future. There was, he observed, an Eastern proverb which said, "If you allow a man to deceive you once you may be free from blame, but if you allow the same man to deceive you twice, it is your own fault."

M. de Gramont affirmed that he thought it a very bad thing to produce diplomatic documents such as the report of M. Benedetti; and that he had held back as long as possible, and had only consented at the last moment. There were, however, he said in conclusion, other documents in the French archives which he should be obliged to make public if the accuracy of M. Benedetti's statement should be questioned by Prussia.

I have, &c.

(Signed) LYONS.

Inclosure in No. 41.

Extract from the "Journal Officiel" of July 26, 1870.

LE Ministre des Affaires Etrangères a adressé aux Agents Diplomatiques de l'Empereur la dépêche suivante :—

"Monsieur,

"Paris, le 24 Juillet, 1870.

"Le Cabinet de Berlin a fait publier, au sujet des négociations d'Ems, divers documents au nombre desquels se trouve une dépêche de M. le Baron de Werther, rendant compte d'une conversation que nous avons eue ensemble durant son dernier séjour à Paris. Ces pièces ne représentent pas, sous son véritable aspect, la marche suivie par le Gouvernement de l'Empereur dans ces circonstances, et le rapport de M. de Werther m'attribue notamment des paroles que je crois de mon devoir de rectifier sur plusieurs points.

"M. l'Ambassadeur de Prusse, dans notre entretien, s'est particulièrement étendu avec moi sur cette considération, que le Roi, en autorisant la candidature du Prince de Hohenzollern, n'avait jamais eu l'intention de blesser l'Empereur et n'avait jamais supposé que cette combinaison pût porter ombrage à la France. J'ai fait observer à mon interlocuteur que s'il en était ainsi, une pareille assurance donnée serait de nature à faciliter l'accord que nous recherchions. Mais je n'ai point demandé que le Roi écrivit une lettre d'excuse, comme l'ont prétendu les journaux de Berlin dans leurs commentaires officieux.

"Je ne saurais non plus souscrire aux appréciations que M. le Baron de Werther me prête au sujet de la déclaration du 6 Juillet. Je n'ai point admis que cette manifestation aurait été déterminée par des nécessités parlementaires. J'ai expliqué notre

langage par la vivacité de la blessure que nous avons reçue, et je n'ai nullement fait valoir la position personnelle des Ministres comme motif déterminant de leur conduite. Ce que j'ai dit, c'est qu'aucun Ministère ne pouvait conserver en France la confiance des Chambres et de l'opinion en consentant à un arrangement qui ne contient pas une garantie sérieuse pour l'avenir. Je dois ajouter, contrairement au récit de M. de Werther, que je n'ai point séparé l'Empereur de la France. Rien dans mes paroles n'a pu autoriser le Représentant de la Prusse à supposer qu'une étroite solidarité d'impressions ne régnât pas entre le Souverain et la nation tout entière.

“ Ces réserves faites, j'arrive au reproche principal qu'élève contre nous le Cabinet de Berlin. Nous aurions volontairement, a-t-on dit, porté la discussion auprès du Roi de Prusse, au lieu de l'engager avec son Gouvernement. Mais lorsque, le 4 Juillet, suivant mes instructions, notre Chargé d'Affaires s'est présenté chez M. de Thile pour l'entretenir des nouvelles qui nous étaient parvenues d'Espagne, quel a été le langage de M. le Secrétaire d'Etat ? Selon ses expressions mêmes, ‘le Gouvernement Prussien ignorait complètement cette affaire, et elle n'existait pas pour lui.’ En présence de l'attitude du Cabinet qui affectait de se désintéresser de l'incident pour le considérer comme regardant uniquement la famille royale de Prusse, que pouvions-nous faire sinon nous adresser au Roi lui-même ?

“ C'est ainsi que, contre notre volonté, nous avons dû inviter notre Ambassadeur à se mettre en communication avec le Souverain, au lieu de traiter avec son Ministre.

“ J'ai assez longtemps résidé dans les Cours Européennes pour savoir combien ce mode de négociation est désavantageux, et tous les Cabinets ajouteront foi à mes paroles quand j'affirmerai que nous avons suivi cette voie uniquement parce que toutes les autres nous étaient fermées. Nous regrettons que M. le Comte de Bismarck, aussitôt qu'il a connu la gravité du débat, ne se soit pas rendu à Ems pour reprendre son rôle naturel d'intermédiaire entre le Roi et notre Ambassadeur ; mais l'isolement dans lequel Sa Majesté a sans doute voulu rester, et que le Chancelier a vraisemblablement trouvé bon pour ses desseins, est-ce nous qui en sommes responsables ? Et si, comme le fait remarquer le Cabinet de Berlin, la déclaration de guerre qui lui a été remise par notre Chargé d'Affaires constitue notre première communication écrite et officielle, à qui donc en est la faute ? Adresse-t-on des notes aux Souverains ? Notre Ambassadeur pouvait-il se permettre une telle dérogation aux usages, quand il traitait avec le Roi, et l'absence de tout document échangé entre les deux Gouvernements, avant la déclaration de guerre, n'est-elle pas la conséquence nécessaire de l'obligation où l'on nous a mis de suivre la discussion à Ems au lieu de la laisser à Berlin, où nous l'avions d'abord portée ?

“ Avant de clore ces rectifications, je relèverai une dernière observation du Cabinet Prussien. D'après un télégramme de Berlin, publié par les journaux du 23, MM. de Bismarck et de Thile, contestant un passage de ma dépêche-circulaire du 21 Juillet, déclareraient que ‘depuis le jour où ils ont entendu parler de la demande adressée au Prince de Hohenzollern, la question de la candidature du Prince au Trône d'Espagne n'a jamais été entre eux et M. Benedetti l'objet du moindre entretien, soit officiel, soit particulier.’ Dans la forme où elle se produit, cette affirmation est ambiguë : elle semble se référer uniquement aux rapports de notre Ambassadeur avec le Ministère Prussien, postérieurs à l'acceptation du Prince Léopold. En ce sens, elle ne serait pas contraire à ce que nous avons dit nous-mêmes ; mais si l'on prétend l'étendre aux communications antérieures, elle cesse d'être vraie, et pour l'établir je ne puis mieux faire que de citer ici une dépêche, en date du 31 Mars, 1869, adressée par notre Ambassadeur M. le Comte Benedetti à M. le Marquis de Lavalette, alors Ministre des Affaires Etrangères.

“ Elle est ainsi conçue :—

“ ‘ M. le Marquis,

“ ‘ Berlin, le 31 Mars, 1869.

“ ‘ Votre Excellence m'a invité hier, par le télégraphe, à m'assurer si la candidature du Prince de Hohenzollern au Trône d'Espagne avait un caractère sérieux. J'ai eu ce matin l'occasion de voir M. de Thile, et j'ai cru pouvoir lui demander si je devais attacher quelque importance aux bruits qui avaient circulé à ce sujet. Je ne lui ai pas caché que je tenais à être exactement informé, en lui faisant remarquer qu'une pareille éventualité intéressait trop directement le Gouvernement de l'Empereur pour qu'il ne fût pas de mon devoir d'en signaler les dangers dans les cas où il existerait des raisons de croire qu'elle peut se réaliser. J'ai dit à mon interlocuteur que mon intention était de vous faire part de notre entretien.

“ ‘ M. de Thile m'a donné l'assurance la plus formelle qu'il n'a, à aucun moment, eu connaissance d'une indication quelconque pouvant autoriser une semblable conjecture, et que le Ministre d'Espagne à Vienne, pendant le séjour qu'il a fait à Berlin, n'y aurait pas même fait allusion. Le Sous-Secrétaire d'Etat, en s'exprimant ainsi, et sans que rien dans

ce que je lui disais fût de nature à provoquer une pareille manifestation, a cru devoir engager sa parole d'honneur.

“ ‘Suivant lui, M. Rancès se serait borné à entretenir le Comte de Bismarck, qui tenait peut-être à profiter du passage de ce diplomate pour se renseigner sur l'état de choses en Espagne, de la manière dont elles s'engageaient en ce qui concerne le choix du futur Souverain.

“ ‘Voilà, en substance, ce que M. de Thile m'a appris, en revenant à plusieurs reprises sur sa première déclaration, qu'il n'avait été et qu'il ne saurait être question du Prince de Hohenzollern pour la Couronne d'Espagne.

“ ‘Veuillez, &c.

(Signé) “ ‘BENEDETTI.’

“ ‘Après cette citation, je crois superflu d'entrer dans plus de développements sur un point que nous devons considérer comme définitivement acquis.

“ ‘Agréez, &c.

(Signé) “ ‘GRAMONT.’

(Translation.)

THE Minister for Foreign Affairs has addressed to the Diplomatic Agents of the Emperor the following despatch :—

“ ‘Monsieur,

“ *Paris, July 24, 1870.*

“ ‘The Cabinet of Berlin has published, relative to the negotiations at Ems, various documents, in the number of which is a despatch from Baron de Werther, giving an account of a conversation we had together during his last stay in this capital. These papers do not present the veritable aspect of the course pursued by the Emperor's Government under these circumstances, and the Report of M. de Werther especially attributes words to me which I believe my duty requires me to rectify on several points.

“ ‘The Ambassador of Prussia, in our interview, dwelt particularly on this consideration, that the King, in authorizing the candidature of Prince de Hohenzollern, had never had any intention of wounding the Emperor, and had never supposed that this combination could give umbrage to France. I observed to my interlocutor that if such was the case a similar assurance given would be of a nature to facilitate the accord we were seeking. But I did not ask that the King should write a letter of excuse, as the Berlin journals have pretended in their semi-official commentaries.

“ ‘Nor can I agree to the observations which the Baron attributes to me on the subject of the declaration of the 6th of July. I did not admit that this manifestation had been determined by Parliamentary necessities. I explained our language by the sharpness of the wound we had received, and I in no way put forward the personal position of the Ministers as the motive determining their conduct. What I said was, that no Cabinet could preserve in France the confidence of the Chambers and public opinion in consenting to an arrangement which did not contain a serious guarantee for the future. I must add, contrary to the recital of M. de Werther, that I made no distinction between the Emperor and France. Nothing in my language could authorize the Representative of Prussia to suppose that a strict solidarity of impressions did not prevail between the Sovereign and the whole nation.

“ ‘Those reserves made, I arrive at the principal reproach made against us by the Cabinet of Berlin. We are said to have voluntarily opened the discussion with the King of Prussia instead of with his Government. But when on the 4th of July, in accordance with my instructions, our Chargé d'Affaires called upon Count de Thile to speak to him of the news we had received from Spain, what was the language of the Secretary of State? According to his own expression, ‘the Prussian Government was completely ignorant of this affair, which did not exist for it.’ In presence of the attitude of the Cabinet, which affected to have nothing to do with the incident, and to consider it as solely regarding the Prussian Royal Family, what could we do except apply to the King himself?

“ ‘It is thus that, against our will, we requested our Ambassador to place himself in communication with the Sovereign instead of treating with his Minister.

“ ‘I have resided long enough in the Courts of Europe to know how disadvantageous that mode of negotiation is, and all the Cabinets will put faith in my words when I affirm that we only pursued that path because all others were closed to us. We regret that Count de Bismarck, as soon as he was aware of the gravity of the affair, had not gone to Ems to resume his natural position as intermediary between the King and our Ambassador; but are we in reality responsible for the isolation in which His Majesty doubtless desired to remain, and which the Chancellor probably found favourable to his designs? And if, as

the Cabinet of Berlin states, the declaration of war remitted by our Chargé d'Affaires constitutes our first written and official communication, whose is the fault? Are notes addressed to Sovereigns? Could our Ambassador so far derogate from customary usages when he was treating with the King, and is not the absence of any document exchanged between the two Governments the necessary consequence of the obligation under which we were placed to pursue the discussion at Ems, instead of continuing it at Berlin, where we had first raised it?

"Before closing these rectifications, I must refer to one observation of the Prussian Cabinet. According to a telegram from Berlin, published by the journals of the 23rd, MM. de Bismarck and de Thile, contesting a passage in my circular despatch of the 21st of July, declared that 'since the day they heard of the offer addressed to the Prince de Hohenzollern, the question of that candidature to the Throne of Spain has never been the subject of the least conversation, either official or private, between themselves and M. Benedetti.' In the form in which it is produced, this affirmation is ambiguous; it seems to refer solely to the relations of our Ambassador with the Prussian Ministry, posterior to the acceptance of Prince Leopold. In that sense it would not be contrary to what we have ourselves said; but if it is extended to anterior communications, it ceases to be true, and to establish that fact I cannot do better than cite here a despatch dated the 31st of March, 1869, addressed by Count Benedetti to the Marquis de Lavalette, then Minister of Foreign Affairs.

"It is thus conceived:—

"M. le Marquis,

"*Berlin, March 31, 1869.*

"Your Excellency requested me by telegraph yesterday to assure myself whether the candidature of the Prince de Hohenzollern to the Throne of Spain had a serious character. I had occasion this morning to see M. de Thile, and I asked him if I was to attach any importance to the rumours in circulation on this subject. I did not conceal from him that I was anxious to be exactly informed, remarking that such an eventuality was of too direct interest to the Emperor's Government for my duty not to compel me to point out the danger if any reason existed to believe that the project might be realized. I made him aware that I intended to communicate our conversation to you.

"M. de Thile gave me the most formal assurance that he had not at any moment been aware of any indication whatever which could authorize such a conjecture, and that the Spanish Minister at Vienna, during the stay he made in Berlin, had not even made any allusion to the subject. The Under-Secretary of State, in thus expressing himself, and without anything I said being of a nature to induce such a manifestation, believed himself called upon to pledge his word of honour.

"According to him, M. Rancès had confined himself to talking to Count de Bismarck—who perhaps was anxious to take advantage of the passage of this diplomatist to obtain some information on the state of things in Spain—of the manner in which affairs were advancing in what concerned the choice of the future Sovereign.

"That, in substance, is what M. de Thile stated to me, several times repeating his first declaration, that there was not, and could not be, a question of the Prince de Hohenzollern for the Crown of Spain.

"Accept, &c.

(Signed) "BENEDETTI."

"After this quotation I believe I have no occasion to enter into any further explanations on a point we must consider as definitively established.

(Signed) "GRAMONT."

No. 42.

Lord Lyons to Earl Granville.—(Received July 27.)

My Lord,

Paris, July 26, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a statement that the Government of the Emperor does not consider coal to be contraband of war. The paragraph appears in the unofficial part of the paper.

I have, &c.

(Signed) LYONS.

Inclosure in No. 42.

Extract from the "Journal Officiel" of July 26, 1870.

QUELQUES doutes s'étant élevés dans certains ports sur la question de savoir si le transport de la houille constituait une opération licite dans les circonstances actuelles, on croit devoir rappeler que le Gouvernement de l'Empereur ne considère pas cet article comme contrebande de guerre.

(Translation.)

SOME doubts having arisen in certain ports on the question whether the transport of coal is a legitimate operation under existing circumstances, it is thought right to record that the Emperor's Government does not consider that article contraband of war.

No. 43.

*Earl Granville to Lord Lyons.**

My Lord, *Foreign Office, July 27, 1870.*

IN compliance with a request which has been made to me by a deputation of gentlemen who are interested in the question of succour to the sick and wounded during the present war, I have to request your Excellency to place yourself in communication with the French Minister for Foreign Affairs, with the view of ascertaining whether an offer of assistance to their sick and wounded from a National Central Committee, formed under the rules of the International Congress which was held at Geneva in 1864, and to which France amongst other countries acceded, would be accepted by the French Government.

I have to add, that the Prince of Wales has accepted the office of President of such International Committee.

I am, &c.
(Signed) GRANVILLE.

No. 44.

[Printed in Parliamentary Papers No. 2.]

Count Bismarck to Count Bernstorff.—(Communicated to Earl Granville by Count Bernstorff, July 28.)

(Translation.)

(Telegraphic.)

Berlin, July 28, 1870.

YOUR Excellency will communicate to Lord Granville the following, reserving a further written explanation:—

The draft of Treaty published in the "Times" contains one of the numerous propositions which have been made to us since the Danish conflict up to recent times through official and non-official French Agents, in order to bring about a Treaty between Prussia and France for the object of mutual aggrandizement. I shall send to your Excellency the tenor of another proposal, made to us in June 1866, also planning an offensive and defensive alliance, according to which France promised to us the aid of 300,000 men against Austria, and an aggrandizement of six to eight millions for the cession of a tract of land between the Rhine and Moselle.

The impossibility for me to agree to such propositions was certainly clear to everybody, with the sole exception of the French diplomacy.

After we had refused to agree to this or other propositions in June 1866, the French Government began to speculate upon our defeat and the profit it might derive from it, and to prepare it diplomatically.

Since the patriotic "pang" of M. Rouher, France never ceased to lead us into temptation by propositions at the expense of Germany and Belgium. For the sake of peace I kept the secret, and treated the propositions in a dilatory manner.

When the more modest French designs, with reference to Luxemburg, had been

* A similar despatch, *mutatis mutandis*, was addressed to Lord A. Loftus.

counteracted by events which are publicly known, the more extensive propositions embracing Belgium and Southern Germany were renewed.

It is at this time, in 1867, that Count Benedetti's manuscript was communicated to me. That the French Ambassador should have drawn up this draft with his own hand and repeatedly have conferred with me on the subject without the consent of his Sovereign is improbable.

The different phases of French discontentment and warlike inclinations which we experienced from 1866 up to the Belgian railway question coincided with the inclination or reluctance the French Agents expected to meet with on my part regarding these negotiations.

The final conviction that no territorial aggrandizement for France could be obtained with our co-operation, has undoubtedly ripened the resolution to gain it by war *against* us.

I have even reason to believe that if this publication had not taken place France would have proposed to us, after the completion of her own and of our preparations for war, to enforce Count Benedetti's programme at the head of the two armies against unarmed Europe—that is to say, to conclude peace at the expense of Belgium. The draft of Treaty which is in our hands, and which Lord Augustus Loftus has seen, is from beginning to end, including the corrections, in Count Benedetti's own handwriting, well known to the English Ambassador. If the French Cabinet now denies tendencies for which it has constantly tried to obtain our consent since 1864 by varying promises and demands, this seems very natural under the present political circumstances.

No. 45.

Mr. Layard to Earl Granville.—(Received July 28.)

My Lord,

Madrid, July 25, 1870.

AS the Duc de Gramont, in his circular to the Diplomatic Agents of the Empire, dated the 21st of this month, states that, so far back as the month of March of last year (1869), the French Ambassador at Berlin was requested to inform Count Bismarck of the views which the Emperor's Government would take of the election of a Hohenzollern Prince to the Spanish Throne,—an idea which the Duc de Gramont declares was not a new one; that Count Benedetti, in several interviews which he had on this topic with the Chancellor of the North German Confederation, and the Under-Secretary of State for Foreign Affairs, did not leave them in ignorance that France would never admit that a Prussian Prince should reign beyond the Pyrenees; and that M. de Thile had given his word of honour that the Prince of Hohenzollern was not and could not seriously become a candidate for the Spanish Crown,—I have endeavoured to ascertain whether any communication to this effect, or which might have warned the Spanish Government of the serious consequences of proposing a Prince of the House of Hohenzollern as a candidate for the Throne, had at any time been made by the French Ambassador at Madrid, or through the Spanish Ambassador at Paris, or indirectly through any other channel to the Government of the Regent. I have received the most distinct and positive assurances from the three Ministers who have been at the head of the Foreign Office since the Revolution,—Señor Silvela, Señor Martos, and Señor Sagasta,—that no such communication was ever made to them directly or indirectly, and that they had no reason to believe that the election of Prince Leopold would have caused so violent an outbreak of feeling against Prussia and Spain in France. The only hint which Señor Sagasta appears to have received was the one given to him by Señor Olozaga, that the Emperor would not, in that diplomatist's opinion, view with favour the election of a German Prince to the Throne of Spain on account of his probable leaning to Prussia, as I reported to Lord Clarendon in my despatch of the 11th May last.

I have, &c.

(Signed) A. H. LAYARD.

No. 46.

Mr. Layard to Earl Granville.—(Received July 28.)

My Lord,

Madrid, July 25, 1870.

IN the report in the "Times" newspaper of an answer given in the House of Commons on Thursday last by the Under-Secretary of State to a question by Mr. Rylands,

Mr. Otway is reported to have said that "the first official notification of the candidature of Prince Leopold of Hohenzollern that came from Mr. Layard was on the 9th instant."

I presume that there must be some error in this report, as my telegram announcing the decision taken by the Council of Ministers, held at La Granja, to propose Prince Leopold as a candidate to the Cortes, was dispatched from La Granja on Tuesday morning, the 5th of July, the earliest moment that I could succeed in sending the information to your Lordship after the meeting of the Council,—which did not break up until the middle of the previous night.

If this telegram did not reach your Lordship until the 9th, I should be glad to be informed, in order that I may institute inquiries on the subject.

I have, &c.
(Signed) A. H. LAYARD.

No. 47.

Lord Lyons to Earl Granville.—(Received July 28.)

My Lord,

Paris, July 27, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a paragraph on the treatment of prisoners of war.

I have, &c.
(Signed) LYONS.

Inclosure in No. 47.

Extract from the "Journal Officiel" of July 27, 1870.

Paris, le 26 Juillet.

ON nous prévient qu'on a fait courir, de l'autre côté du Rhin, le bruit que l'Empereur aurait donné l'ordre que les prisonniers de guerre seraient traités avec la dernière rigueur et mis en dehors du droit des gens. Cette nouvelle est d'autant plus absurde que l'Empereur, au contraire, a recommandé de traiter les prisonniers avec la plus grande humanité.

(Translation.)

Paris, July 26, 1870.

WE are informed that a report is being circulated on the other side of the Rhine that the Emperor had given orders that prisoners of war should be treated with the utmost rigour, and should be put out of the pale of the law of nations. This news is the more absurd that the Emperor has, on the contrary, desired that the prisoners should be treated with the greatest humanity.

No. 48.

Lord Lyons to Earl Granville.—(Received July 28.)

My Lord,

Paris, July 27, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a reminder that the remittance of funds to the enemy is an offence punishable with death.

I have, &c.
(Signed) LYONS.

Inclosure in No. 48.

Extract from the "Journal Officiel" of July 27, 1870.

NOUS croyons devoir rappeler qu'aux termes de l'Article 77 du Code Pénal, est puni de mort quiconque aura pratiqué des manœuvres ou entretenu des intelligences . . . pour fournir aux ennemis des secours en argent.

(Translation.)

WE think it right to recall that by the terms of the 77th Article of the Penal Code, any one who has engaged in schemes or entered into communications . . . in order to furnish to the enemy assistance in money is punished by death.

No. 49.

Lord Lyons to Earl Granville.—(Received July 28.)

My Lord,

Paris, July 27, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a paragraph respecting the draft of a Treaty published in the "Times."

I have, &c.
(Signed) LYONS.

Inclosure in No. 49.

Extract from the "Journal Officiel" of July 27, 1870.

LE "Times" a publié un prétendu Traité entre la France et la Prusse, ayant pour objet de faciliter à la France l'acquisition du Luxembourg et de la Belgique, à la condition que la France ne s'opposerait pas à l'union des Etats du Sud de l'Allemagne avec la Confédération du Nord.

Après le Traité de Prague, plusieurs pourparlers ont eu lieu en effet à Berlin, entre M. de Bismarck et l'Ambassade de France, au sujet d'un projet d'alliance. Quelques-unes des idées contenues dans le document inséré par le "Times" ont été soulevées, mais le Gouvernement Français n'a jamais eu connaissance d'un projet formulé par écrit, et quant aux propositions dont on avait pu parler dans ses entretiens l'Empereur Napoléon les a rejetées.

Il n'échappera à personne dans quel intérêt et dans quel but on cherche aujourd'hui à tromper l'opinion publique en Angleterre.

(Translation.)

THE "Times" publishes a pretended Treaty between France and Prussia, having for object to facilitate the annexation to France of Luxemburg and Belgium, on condition that she should not oppose the union of the States of Southern Germany with the Northern Confederation. After the Treaty of Prague some negotiations did certainly take place at Berlin between Count de Bismarck and the French Embassy on the subject of a project of alliance. Some of the ideas contained in the document inserted in the "Times" were mooted, but the French Government never had any knowledge of a plan drawn up in writing, and as to the proposals which may have formed the subject of conversation in these interviews, they were rejected by the Emperor Napoleon. No one will fail to see in what interest and with what object efforts are being made to mislead public opinion in England.

No. 50.

Earl Granville to Vice-Admiral Harris.

Sir,

Foreign Office, July 28, 1870.

WITH reference to your despatch of the 21st instant, I have to state to you that Her Majesty's Government have learnt with satisfaction the assurances which have been given in respect to the neutrality of Luxemburg with the belligerent Powers.

I am, &c.
(Signed) GRANVILLE.

No. 51.

*Lord A. Loftus to Earl Granville.—(Received July 29.)*My Lord, Berlin, July 25, 1870.

I HAVE the honour to inclose copy of a despatch which I have received from Her Majesty's Consul at Königsberg, referring to a question addressed to him as to the legality of the sale of Prussian merchant-vessels to British subjects after the declaration of war.

I have replied to Mr. Hertslet that it is a question on which I am not competent to give an opinion, and have therefore forwarded copy of this despatch to your Lordship.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 51.

Consul Hertslet to Lord A. Loftus.(Extract.) Königsberg, July 21, 1870.

I HAVE the honour to acknowledge the receipt of your despatch.

The Vice-Consul Ward at Memel has applied to me by telegram to inquire whether sales of Prussian vessels to British owners now will be valid. I have replied in a private letter to Mr. Ward that I believe that Prussian vessels sold to neutrals after the declaration of war were seized and condemned, and that British Consuls have only to protect British interests as far as they can, and not to advise or give opinion what French Courts of Admiralty may do towards foreigners.

No. 52.

[Printed in Parliamentary Papers No. 2.]

*Lord A. Loftus to Earl Granville.—(Received July 29, 7 P.M.)*My Lord, Berlin, July 26, 1870.

WITH reference to my telegram of yesterday, I have now the honour to transmit to your Lordship a lithographed copy of the draft of the Treaty of Alliance, offensive and defensive, which M. Benedetti proposed for the acceptance of the Prussian Government at the commencement of 1869,* on the eve of the Belgian Railway Question.

The original, which I myself have seen, is in M. Benedetti's handwriting.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 52.

Draft of Treaty of Alliance, Offensive and Defensive, between France and Prussia.

[The variations from the text of the Draft Treaty as published in the "Times" (see Inclosure in No. 18) are indicated by Italics and Brackets.]

Von Benedetti.

SA Majesté le Roi de Prusse et Sa Majesté l'Empereur des Français jugeant utile de resserrer les liens d'amitié qui les unissent et de consolider les rapports de bon voisinage heureusement existants entre les deux pays, convaincus d'autre part que pour atteindre ce résultat, propre d'ailleurs à assurer le maintien de la paix générale, il leur importe de s'entendre sur des questions qui intéressent leurs relations futures, ont résolu de conclure un Traité à cet effet, et nommé en conséquence pour leurs Plénipotentiaires, savoir :

Sa Majesté, &c., &c. ;

Sa Majesté, &c., &c. ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

* This date is stated by Lord A. Loftus to be a mistake in copying. It should be 1867.

ARTICLE I.

Sa Majesté l'Empereur des Français admet et reconnaît les acquisitions que la Prusse a faites à la suite de la dernière guerre qu'elle a soutenue contre l'Autriche et contre ses alliés, [*ainsi que les arrangements pris ou à prendre pour la constitution d'une Confédération dans l'Allemagne du Nord, s'engageant en même temps à prêter son appui à la conservation de cette œuvre*].

ARTICLE II.

Sa Majesté le Roi de Prusse promet de faciliter à la France l'acquisition du Luxembourg ; à cet effet la dite Majesté entrera en négociations avec Sa Majesté le Roi des Pays-Bas pour le déterminer à faire, à l'Empereur des Français, la cession de ses droits souverains sur ce Duché, moyennant telle compensation qui sera jugée suffisante ou autrement. ~~De son côté, l'Empereur des Français s'engage à assumer les charges pécuniaires que cette transaction peut comporter.~~ [*Pour faciliter cette transaction, l'Empereur des Français, de son côté, s'engage à assumer accessoirement les charges pécuniaires qu'elle pourrait comporter.*]

ARTICLE III.

Sa Majesté l'Empereur des Français ne s'opposera pas à une union fédérale de la Confédération du Nord avec les Etats du Midi de l'Allemagne, à l'exception de l'Autriche, laquelle union pourra être basée sur un Parlement commun, tout en respectant, dans une juste mesure, la souveraineté des dits Etats.

ARTICLE IV.

De son côté, Sa Majesté le Roi de Prusse, au cas où Sa Majesté l'Empereur des Français serait amené par les circonstances à faire entrer ses troupes en Belgique ou à la conquérir, accordera le ~~secours~~ [concourse] de ses armes à la France, et il la soutiendra avec toutes ses forces de terre et de mer, envers et contre toute Puissance qui, dans cette éventualité, lui déclarerait la guerre.

ARTICLE V.

Pour assurer l'entière exécution des dispositions qui précèdent, Sa Majesté le Roi de Prusse et Sa Majesté l'Empereur des Français contractent, par le présent Traité, une alliance offensive et défensive qu'ils s'engagent solennellement à maintenir. Leurs Majestés s'obligent, en outre et notamment, à l'observer dans tous les cas où leurs Etats respectifs, dont elles se garantissent mutuellement l'intégrité, seraient menacés d'une agression, se tenant pour liées, en pareille conjoncture, de prendre sans retard, et de ne décliner sous aucun prétexte, les arrangements militaires qui seraient commandés par leur intérêt commun conformément aux clauses et prévisions ci-dessus énoncés.

(Translation.)

HIS Majesty the King of Prussia and His Majesty the Emperor of the French deeming it useful to draw closer the bonds of friendship which unite them, and to consolidate the relations of good neighbourhood happily existing between the two countries, and being convinced, on the other hand, that to attain this result, which is calculated besides to assure the maintenance of the general peace, it behoves them to come to an understanding on questions which concern their future relations, have resolved to conclude a Treaty to this effect, and named in consequence as their Plenipotentiaries, that is to say :—

His Majesty, &c., &c. ;

His Majesty, &c., &c. ;

Who, having exchanged their full powers, found to be in good and proper form, have agreed upon the following Articles :—

ARTICLE I.

His Majesty the Emperor of the French admits and recognizes the acquisitions which Prussia has made as the result of the last war which she sustained against Austria and her allies, [*as also the arrangements adopted or to be adopted for constituting a Confederation in North Germany, engaging, at the same time, to render his support for the maintenance of that work*].

ARTICLE II.

His Majesty the King of Prussia promises to facilitate the acquisition of Luxemburg by France: to that effect His aforesaid Majesty will enter into negotiations with His Majesty the King of the Netherlands, to induce him to cede to the Emperor of the French his sovereign rights over that Duchy, in return for such compensation as shall be deemed sufficient or otherwise. ~~On his part, the Emperor of the French engages to bear the pecuniary charges which this arrangement may involve.~~ [In order to facilitate this arrangement, the Emperor of the French engages, on his part, to bear accessorially the pecuniary charges which it may involve.]

ARTICLE III.

His Majesty the Emperor of the French will not oppose a federal union of the Confederation of the North with the Southern States of Germany, with the exception of Austria, which union may be based on a common Parliament, the sovereignty of the said States being duly respected.

ARTICLE IV.

On his part His Majesty the King of Prussia, in case His Majesty the Emperor of the French should be obliged by circumstances to cause his troops to enter Belgium, or to conquer it, will grant the ~~success~~ [co-operation] of his arms to France, and will sustain her with all his forces of land and sea against every Power which, in that eventuality, should declare war upon her.

ARTICLE V.

To ensure the complete execution of the above arrangements, His Majesty the King of Prussia and His Majesty the Emperor of the French contract, by the present Treaty, an alliance offensive and defensive, which they solemnly engage to maintain. Their Majesties engage moreover, and specifically, to observe it in every case in which their respective States, of which they mutually guarantee the integrity, should be menaced by aggression, holding themselves bound in such a conjuncture to make without delay, and not to decline on any pretext, the military arrangements which may be demanded by their common interest, conformably to the clauses and provisions above set forth.

No. 53.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 29, 1870.

ON the receipt of your Excellency's despatch of the 24th instant, I consulted the Law Officers of the Crown as to whether Her Majesty's Government should take any, and in that case what, notice of the refusal of the French Government to extend to enemy's ships bound to British ports, with British-owned cargoes, the facilities granted to such ships when bound to French ports with French cargoes; and I have now to inform your Excellency that I have received a Report stating that, in the opinion of the Law Officers, the refusal of the French Government to grant a temporary exemption from capture, to enemy's ships bound with neutral cargoes to neutral ports, does not involve any violation of neutral right, by reason of their having granted such an exemption to enemy's vessels bound with French cargoes to French ports.

I am, &c.

(Signed) GRANVILLE.

No. 54.

[Printed in Parliamentary Papers No. 2.]

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 29, 1870.

THE French Ambassador called upon me on the 28th instant for the purpose of communicating to me the purport of a despatch which had been addressed to his

Excellency by the French Minister for Foreign Affairs, on the subject of the pretended Draft Treaty published in the "Times."

In that despatch, which M. de Lavalette was good enough to read to me, the Duc de Gramont observed that the very form in which this Treaty is drawn up, and the terms in which it is couched, show clearly whence it came, and can deceive no one.

Those who have watched the course of European affairs, since the accession to office of M. de Bismarck, are aware from which side have come those suggestions which are now attributed to France

Ever since the year 1865, M. de Bismarck has constantly endeavoured to carry out his own plans by endeavouring to turn the attention of the French Government to territorial aggrandizement.

He told M. Lefebvre de Béhaine, their Chargé d'Affaires at Berlin, that Prussia would willingly recognize the right of France to extend her borders wherever the French language is spoken; thereby indicating certain Swiss cantons besides Belgium.

These overtures the Government of the Emperor declined to entertain.

The following year, immediately after the Battle of Sadowa, similar proposals were made at Brünn to M. de Béhaine, and on this occasion Count Bismarck told him that the course of France was clear. The French Government should go to the King of Belgium and explain that the inevitable increase to Prussian territory and influence was most disquieting to their security, and that the sole means of avoiding those dangerous issues would be to unite the destinies of Belgium and France by bonds so close that the Belgian Monarchy, whose autonomy would however be respected, would become in the north a real bulwark of safety for France.

Further, reporting a communication with Count Bismarck in July 1866, the French Ambassador informed his Government that he reported nothing new in stating that M. de Bismarck is of opinion that compensation should be sought by the French in Belgium, and offered to come to an understanding on the subject.

The Government of the Emperor, the Duc de Gramont went on to say, declined to listen to these proposals, and when at a later period they sought a rectification of their frontiers, they expressly declined in the discussion to mention even the name of Belgium.

The Duc de Gramont then points out that if such designs against Belgium had really been entertained by his Government, it would have been easy to carry it out with the proffered assistance of Prussia, who was only anxious to secure the fruits of her victories.

These suggestions were again made at the time of the Luxemburg affair. They were unwillingly received, and categorically rejected by the Emperor.

Finally, the Marquis de Lavalette was instructed formally to assure Her Majesty's Government, that in these proposals the initiative was entirely taken by the Prussian Cabinet.

M. de Lavalette then informed me that he had received instructions by telegraph to acquaint me that the document in the handwriting of M. Benedetti, was written by him, under the dictation of Count Bismarck, who wished to entangle the French Government in a conspiracy against the liberties of Belgium, and that then, as at other times, the scheme was positively rejected.

I am, &c.
(Signed) GRANVILLE.

No. 55.

Earl Granville to M. Dubs.

Sir,

Foreign Office, July 29, 1870.

I HAVE the honour to acknowledge the receipt of the letter which you addressed to me on the 18th instant, informing me, on behalf of the Swiss Federal Council, that it is the intention of the Swiss Confederation to preserve an attitude of strict neutrality during the present state of war which has arisen between His Majesty the Emperor of the French and the King of Prussia, as long as such neutrality is respected by other Powers, and also referring to the right of occupation of Savoy by the Federal Government in case of war.

In thanking you for this communication I have the honour to request that you will express to the Federal Government the satisfaction with which Her Majesty's Government have learnt their intention to preserve a neutral attitude during the war.

I am, &c.
(Signed) GRANVILLE

Mr. Bonar to Earl Granville.—(Received July 30.)

My Lord,

Berne, July 26, 1870.

I HAD the honour to inform your Lordship by my telegram of the 22nd instant, that in reply to the initiative of the Federal Council, both the French and North German Governments had notified to that of Switzerland their willingness to accept provisionally, and at once to establish as a *modus vivendi*, applicable to the present war, both by sea and land, all the Additional Articles to the Convention of Geneva for the succour of the wounded in battle, which were adopted in the Geneva Conferences of October 1868, together with the subsequent interpretations, agreed upon and proposed by England and France, of the Articles IX and X.

I have now the honour to transmit to your Lordship herewith copy of a note which I have this day received from the Federal Chancery, inclosing to me a note addressed to your Lordship by the President of the Confederation, communicating to Her Majesty's Government the foregoing negotiation.

A copy of that note has been also officially communicated to me.

The honour is due to General Roeder, the Prussian Minister at Berne, of having originated the above proposal, in an interview which he had with the President of the Confederation; but his Excellency M. Dubs entered at once into its spirit with such readiness and sincerity that I am happy to be able to acquaint your Lordship that its humane object was accepted without hesitation, and in the most unequivocal terms, by both belligerent Powers.

I have, &c.

(Signed) A. G. G. BONAR.

Inclosure 1 in No. 56.

M. Schiess to Mr. Bonar.

Berne, le 22 Juillet, 1870.

LA Chancellerie de la Confédération Suisse prie la Légation de Sa Majesté Britannique de bien vouloir faire parvenir le pli ci-joint, renfermant la note dont copie ci-incluse, au Ministère Royal des Affaires Etrangères; et elle a, &c.

(Signé) SCHIESS.

(Translation.)

Berne, July 22, 1870.

THE Chancellerie of the Swiss Confederation begs Her Britannic Majesty's Legation to have the goodness to forward the subjoined document, containing the note of which a copy is inclosed, to the Royal Ministry of Foreign Affairs, and has, &c.

(Signed) SCHIESS.

Inclosure 2 in No. 56.

The Swiss Federal Council to Earl Granville.

Berne, le 22 Juillet, 1870.

PAR sa note circulaire du 2 Mai dernier le Conseil Fédéral a eu l'honneur d'informer le Gouvernement Royal qu'à l'exception de l'Espagne et de Rome, tous les Etats signataires de la Convention de Genève du 22 Août, 1864, pour les Secours aux Militaires Blessés, ont adhéré aux Articles Additionnels adoptés à Genève, le 20 Octobre, 1868, modifiés plus tard à la demande de la France (Article IX), et interprétés par la France et l'Angleterre (Article X), mais que la Russie, tout en adoptant ces Articles Additionnels, propose une adjonction à l'Article XIV dans le but de prévenir l'abus du drapeau distinctif de la neutralité. Quoique plusieurs Gouvernements aient déjà fait parvenir au Conseil Fédéral leur réponse à la circulaire susindiquée, on ne saurait s'attendre à recevoir prochainement les déclarations de tous les Etats Contractants, et l'adoption définitive des Articles Additionnels ne pourra par conséquent avoir lieu que dans un temps plus ou moins éloigné.

Or, la situation politique actuelle est si grave qu'elle a imposé au Conseil Fédéral le

devoir d'user de toute son influence, comme organe intermédiaire entre les Etats Contractants, pour que les bienfaits de la Convention de Genève et des Articles Additionnels puissent avoir leur plein effet pendant la guerre qui vient d'éclater. Afin d'atteindre ce but il s'est adressé aux Gouvernements de la Confédération de l'Allemagne du Nord et de la France, en leur proposant et leur recommandant de reconnaître dès à présent la Convention de Genève, avec ses Articles Additionnels modifiés à la demande de la France et interprétés par la France et la Grande Bretagne, comme devant être observée dans toutes ses parties pendant la guerre, au moins à titre de *modus vivendi*.

Aujourd'hui le Conseil Fédéral a la satisfaction de pouvoir annoncer aux hauts Gouvernements des Etats signataires de la Convention de Genève, que les Cabinets de Berlin et de Paris ont accédé avec empressement à cette proposition, et qu'ils ont déjà donné les directions nécessaires aux officiers commandant leurs corps d'armée.

Le Conseil Fédéral est heureux d'avoir pu, par sa démarche auprès de la Confédération de l'Allemagne du Nord et de la France, assurer la réalisation immédiate de cette œuvre humanitaire; et en faisant les vœux les plus ardents pour qu'elle contribue efficacement à adoucir les maux de la guerre, il prie, &c.

Au nom de Conseil Fédéral Suisse,
Le Président de la Confédération,
(Signé) DUBS.
Le Chancelier de la Confédération,
SCHIESS.

(Translation.)

Berne, July 22, 1870.

IN its circular note of the 2nd May last the Federal Council had the honour to inform the Royal Government that, with the exception of Spain and Rome, all the States who signed the Geneva Convention of August 22, 1864, for the succour of wounded soldiers, have adhered to the Additional Articles adopted at Geneva the 20th October, 1868, modified later at the request of France (Article IX), and interpreted by France and England (Article X), but that Russia, whilst agreeing to the Additional Articles, proposes a supplement to Article XIV, with the view of preventing the abuse to the distinguishing flag of neutrality. Although several Governments have already forwarded to the Federal Council their answer to the above-mentioned Circular, it cannot be expected that the declarations of all the Contracting States will be received directly, and consequently the final adoption of the Additional Articles cannot take place till a more or less distant time.

The present political situation is so grave that it has imposed on the Federal Council the duty of employing all its influence as intermediary between the Contracting States, in order that the Geneva Convention and the Additional Articles may have their full effect during the war which has just broken out. In order to attain that end it communicated with the Governments of the North German Confederation and of France, proposing and recommending them to recognize from the present time the Convention of Geneva, with the Additional Articles modified at the request of France, and interpreted by France and Great Britain, as proper to be observed in all its details during the war, at least as a *modus vivendi*.

The Federal Council has now the satisfaction to be able to announce to the high Governments of the States who signed the Geneva Convention, that the Cabinets of Berlin and of Paris have readily acceded to that proposal, and that they have already given the necessary directions to the officers commanding their corps d'armée.

The Federal Council is glad to have been able, by its communication with the German Confederation and with France, to assure the immediate realization of this humane work; and with the most earnest wishes that it will effectively contribute to alleviate the evils of war, we have, &c.

In the name of the Swiss Federal Council,
The President of the Confederation,
(Signed) DUBS.
The Chancellor of the Confederation,
(Signed) SCHIESS.

[Printed in Parliamentary Papers No. 2.]

The Duc de Gramont to M. de Lavalette.—(Communicated to Earl Granville by M. de Lavalette, July 30.)

M. le Marquis,

Paris, le 29 Juillet, 1870.

LA dépêche que je vous ai adressée le 27, ainsi que celle que je vous ai écrite en date d'hier, au sujet des publications provoquées en Angleterre par le Cabinet de Berlin, vous ont déjà éclairé sur la valeur de ses affirmations. La polémique des journaux se prolongeant à ce sujet, sous l'influence des mêmes inspirations qui l'ont soulevée, je crois utile de vous communiquer une lettre que je viens de recevoir de M. le Comte Benedetti, et dans laquelle il rétablit, avec sa connaissance personnelle de la négociation dont il s'agit, la vérité des faits.

Vous trouverez ce document ci-joint, et vous pourrez le remettre à Lord Granville. J'ai la persuasion qu'après ces explications pleines de franchise, le Gouvernement de la Reine et l'opinion publique en Angleterre reconnaîtront qu'il n'y a pas lieu de s'arrêter plus longtemps à la prétendue révélation du Comte Bismarck. A court d'arguments pour défendre sa politique dans la question qui a fait éclater la guerre, le Chancelier Fédéral a espéré donner le change aux esprits sur le caractère de la nôtre. Il n'y est pas parvenu jusqu'ici, et quelles que soient les assertions nouvelles qu'il produit dans sa dépêche au Comte de Bernstorff, dont vous m'indiquez la substance par le télégraphe, il ne réussira pas à se dégager de la responsabilité qu'il cherche à faire peser sur nous. Je me réserve de discuter les allégations de cette dépêche dès que je les connaîtrai *in extenso* et je suis en mesure d'y opposer les dénégations les plus absolues.

Vous pouvez, si vous le jugez utile, laisser la présente lettre entre les mains de Lord Granville, en même temps que vous lui donnerez une copie de celle de M. Benedetti.

Agréez, &c.

(Signé) GRAMONT.

(Translation.)

M. le Marquis,

Paris, July 29, 1870.

THE despatch which I addressed to you on the 27th, as well as the one which I wrote to you yesterday on the subject of the publications called forth in England by the Cabinet of Berlin, have already enlightened you as to the value of the statements contained in them. As the discussion in the newspapers on this subject still goes on under the influence of the same inspirations which originated it, I think it useful to communicate to you a letter which I have just received from Count Benedetti, in which he re-establishes, by his personal knowledge of the negotiation in question, the truth of the facts.

You will find this document annexed, and you may give it to Lord Granville. I am convinced that, after these frank explanations, the Government of the Queen and public opinion in England will see that there is no occasion to dwell any longer on the pretended revelation of Count Bismarck. Being in want of arguments to defend his policy in regard to the question which caused the war, the Federal Chancellor hoped to mislead public opinion as to the nature of our policy. He has not hitherto succeeded, and whatever may be the new assertions which he brings forward in his despatch to Count Bernstorff, the substance of which you have communicated to me by telegraph, he will not succeed in getting rid of the responsibility which he is endeavouring to lay upon us. I delay the discussion of the allegations of this despatch until I know it *in extenso*, and am in a position to give it the most absolute denial.

You may, if you think it useful, leave this letter in the hands of Lord Granville at the same time that you give him a copy of that of M. Benedetti.

Receive, &c.

(Signed) GRAMONT.

Inclosure in No. 57.

Count Benedetti to the Duc de Gramont.

M. le Duc,

Paris, le 29 Juillet, 1870.

SI injustes qu'elles fussent, je n'ai pas cru convenable de relever les appréciations dont j'ai été personnellement l'objet quand on a appris en France que le Prince de Hohenzollern avait accepté la Couronne d'Espagne. Ainsi que mon devoir me le commandait, j'ai laissé

au Gouvernement de l'Empereur le soin de les redresser. Je ne puis garder le même silence devant l'usage que M. le Comte de Bismarck a fait d'un document auquel il cherche à donner une valeur qu'il n'a jamais eue, et je demande à votre Excellence de rétablir les faits dans toute leur exactitude.

Il est de notoriété publique que M. le Comte de Bismarck nous a offert, avant et pendant la dernière guerre, de contribuer à réunir la Belgique à la France en compensation des agrandissements qu'il ambitionnait et qu'il a obtenus pour la Prusse. Je pourrais, à cet égard, invoquer le témoignage de toute la Diplomatie Européenne, qui n'a rien ignoré.

Le Gouvernement de l'Empereur a constamment décliné ces ouvertures et l'un de vos prédécesseurs, M. Drouyn de Lhuys, est en mesure de donner, à cet égard, des explications qui ne laisseraient subsister aucun doute. Au moment de la conclusion de la Paix de Prague et en présence de l'émotion que soulevait en France l'annexion du Hanovre, de la Hesse Electorale, et de la Ville de Francfort à la Prusse, M. de Bismarck témoigna de nouveau le plus vif désir de rétablir l'équilibre rompu par ces acquisitions. Diverses combinaisons respectant l'intégrité des Etats voisins de la France et de l'Allemagne furent mises en avant; elles devinrent l'objet de plusieurs entretiens pendant lesquels M. de Bismarck inclinait toujours à faire prévaloir ses idées personnelles.

Dans une de ces conversations, et afin de me rendre un compte exact de ces combinaisons, j'ai consenti à les transcrire en quelque sorte sous sa dictée. La forme non moins que le fond démontre clairement que je me suis borné à reproduire un projet conçu et développé par lui. M. de Bismarck garda cette rédaction, voulant la soumettre au Roi. De mon côté, je rendis compte en substance au Gouvernement Impérial des communications qui m'avaient été faites. L'Empereur les repoussa dès qu'elles parvinrent à sa connaissance. Je dois dire que le Roi de Prusse lui-même ne parut pas vouloir en agréer la base, et depuis cette époque, c'est-à-dire, pendant les quatre dernières années, je ne suis plus entré dans aucun nouvel échange d'idées à ce sujet avec M. de Bismarck. Si l'initiative d'un pareil Traité eût été prise par le Gouvernement de l'Empereur, le projet aurait été libellé par le Ministère et je n'aurais pas eu à en produire une copie écrite de ma main; il eût été d'ailleurs autrement rédigé, et il aurait donné lieu à des négociations qui eussent été simultanément poursuivies à Paris et à Berlin. Dans ce cas, M. de Bismarck ne se serait pas contenté d'en livrer indirectement le texte à la publicité, au moment surtout où votre Excellence rectifiait dans des dépêches, qui étaient insérées au "Journal Officiel," d'autres erreurs qu'on cherchait également à propager. Mais pour atteindre le but qu'il s'est proposé, celui d'égarer l'opinion publique et de prévenir les indiscrétions que nous aurions pu nous permettre nous-mêmes, il a usé de cet expédient, qui le dispensait de préciser à quel moment, dans quelles circonstances, et de quelle manière ce document avait été transcrit. Il s'est évidemment flatté de suggérer, grâce à ces omissions, des conjectures qui, en dégageant sa responsabilité personnelle, devaient compromettre celle du Gouvernement de l'Empereur. De pareils procédés n'ont pas besoin d'être qualifiés; il suffit de les signaler en les livrant à l'appréciation du public Européen.

Veuillez, &c.
(Signé) BENEDETTI.

(Translation.)

M. le Duc,

Paris, July 29, 1870.

UNJUST as they were, I did not think it proper to notice the observations which were made upon me personally, when it was known in France that the Prince of Hohenzollern had accepted the Crown of Spain. As in duty bound, I left to the Government of the Emperor the task of setting them right. I could not keep the same silence in face of the use which Count Bismarck has made of a document to which he seeks to give a value which it never possessed, and I request your Excellency's leave to re-establish the facts exactly as they occurred.

It is a matter of public notoriety that Count Bismarck offered us, before and during the last war, to assist in uniting Belgium to France, as a compensation for the aggrandizements of which he was ambitious, and which he obtained for Prussia. I might, on this point, appeal to the testimony of the entire diplomacy of Europe, to whom the whole affair was known.

The Government of the Emperor constantly declined these overtures, and one of your predecessors, M. Drouyn de Lhuys, is in a position to give, on this subject, explanations which must remove every doubt. At the moment of the conclusion of the Peace of Prague, and in face of the emotion which was excited in France by the annexation to Prussia of Hanover, of Electoral Hesse, and of the town of Frankfort, M. de Bismarck again showed the strongest desire to re-establish the balance of power, which had been disturbed by these

acquisitions. Various combinations having reference to the integrity of the States neighbours of France and Germany were put forward; they became the subject of several conversations, during which M. de Bismarck was always disposed to make his personal ideas prevail.

In one of these conversations, and in order to give myself an exact idea of his combinations, I consented to transcribe them in a manner ("en quelque sorte") at his dictation. The form, no less than the substance, shows clearly that I confined myself to reproducing a project conceived and developed by him. M. de Bismarck kept this document, wishing to submit it to the King. On my side, I reported in substance to the Imperial Government the communications which had been made to me. The Emperor rejected them as soon as they came to his knowledge. I am bound to say that the King of Prussia himself did not seem to wish to accept the basis of them; and since that time, that is to say, during the last four years, I have never again entered upon any new exchange of ideas on the subject with M. de Bismarck.

If the initiative of such a Treaty had been taken by the Government of the Emperor, the project would have been drafted by the Foreign Office, and I should not have had to produce a copy of it in my own handwriting; it would, besides, have been drawn up differently, and it would have led to negotiations which would have been simultaneously carried on at Paris and Berlin. In that case M. de Bismarck would not have been satisfied with indirectly publishing the text, particularly at a time when your Excellency was correcting, in despatches which were inserted in the "Journal Officiel," other errors which attempts were also being made to propagate. But in order to attain the end which he had in view—that of misleading public opinion, and anticipating the revelations which we ourselves might have made—he employed this expedient, which relieved him from the necessity of defining at what time, under what circumstances, and in what manner this document had been written. He evidently flattered himself that, thanks to these omissions, he should suggest conjectures which, whilst freeing his personal responsibility, would compromise that of the Emperor's Government. Such proceedings need no comment; it is enough to point them out, by submitting them to the appreciation of the public opinion of Europe.

Receive, &c.
(Signed) BENEDETTI.

No. 58.

Lord Lyons to Earl Granville.—(Received July 30.)

My Lord,

Paris, July 29, 1870.

I WENT this afternoon to see the Duc de Gramont. On my presenting myself, he told me that he was just about to write to me when I was announced. He was, he said, anxious to inform me, without any loss of time, of the very great satisfaction with which he had read in the papers presented to Parliament, my reports of his conversations with me during the negotiations which had preceded the declaration of war with Prussia. He added that those reports conveyed his sentiments with perfect accuracy, and not unfrequently repeated the exact expressions he had used.

I have, &c.
(Signed) LYONS.

No. 59.

Lord Lyons to Earl Granville.—(Received July 30.)

(Extract.)

Paris, July 29, 1870.

YOUR Lordship will have learnt from my telegram of the day before yesterday that the French Government had announced to the Papal Nuncio, and the Italian Minister here, their intention to withdraw their troops from the Roman States. M. de Gramont gave me verbally some information on the subject this afternoon.

He told me that the measure had been quite decided upon three days ago, and that the 5th of next month had been fixed for the embarkation of the troops. The Emperor's Government had felt (he said) full confidence that the safety of the Pope would not be endangered, and that the Convention of September 1864 would be faithfully observed by Italy. They were strengthened in this belief by observing that the prudent and high-minded language of M. Visconti Venosta had been received with approval and applause by

the Italian Parliament. They had reason, therefore, to conclude that the country at large as well as the Government, saw the advantage of adhering to their engagements with France.

M. de Gramont added that he hoped that the troops would embark for France on the 5th of August.

No. 60.

Lord Lyons to Earl Granville.—(Received July 30.)

(Extract.)

Paris, July 29, 1870.

THE Duc de Gramont spoke to me this afternoon of the *Projet de Traité* between France and Prussia, which was published in the "Times" on the 25th instant.

He told me that he had written fully on the subject to the Marquis de Lavalette, who would give your Lordship complete information respecting it. This being the case, I will only report here that he admitted distinctly that the *Projet* was in existence at Berlin in M. Benedetti's handwriting, but affirmed that it was simply a record, written by M. Benedetti in Count Bismarck's cabinet, of the terms of a proposal from Prussia to France, and that this proposal was peremptorily rejected by the Emperor as soon as it was laid before him.

I observed to M. de Gramont that the *Projet* had produced a most painful impression in England. It was certainly, I said, far from pleasant for us to learn that two Powers, professing to be our cordial friends, had discussed even for a moment a plan of entering into an alliance to despoil of its independence a country which they had both united with us in guaranteeing by Treaty, and in the defence of which they well knew our honour, our interests, and our warmest feelings to be enlisted. I added that I thought the only way to extenuate the mischief which had been done, would be to give to the public, on the authority of the French Government, a full and frank account of what had really taken place. The notice published in the "Journal Officiel" of the 27th instant had been generally considered vague and meagre. The time appeared to me to be come to give to the world a distinct and detailed statement of the facts.

M. de Gramont said that he should probably publish such a statement in the "Journal Officiel" to-morrow.

No. 61.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 30, 1870.

IT is very satisfactory to me to find that M. de Gramont admits, as stated in your despatch of yesterday,* the accuracy of your reports of his language during the negotiations which preceded the rupture between France and Prussia.

I am, &c.
(Signed) GRANVILLE.

No. 62.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, July 30, 1870.

HER Majesty's Government entirely approve the language which you held, as reported in your despatch of the 29th instant,† in conversing with the Duc de Gramont on the course which the French Government proposed to adopt with reference to the draft of Treaty between Prussia and France, published in the "Times" of the 25th instant.

I am, &c.
(Signed) GRANVILLE.

* No. 58.

† No. 60.

No. 63.

*Earl Granville to Lord Lyons.**

My Lord,

Foreign Office, July 30, 1870.

THE Government of the Emperor have already been informed of the satisfaction with which His Imperial Majesty's declaration of respect for the neutrality of Belgium was received by that of Her Majesty.

They have received a similar assurance from the King of Prussia of a determination on his part to respect the neutrality of Belgium, but they perceive that both the Emperor and the King subject their respective assurance to the condition that it is observed by the other, which seems to indicate an opinion on their part that the declaration of each is not complete.

There can be doubt of the obligation upon both these Powers to observe a Treaty which they have severally entered into with Great Britain and other great Powers. But if the Imperial Government, determined on their part to maintain the neutrality of Belgium, would desire to receive an assurance that the British Government on their part are equally determined to do so, Her Majesty's Government are prepared to record in a solemn act, either Treaty or Protocol, their common determination.

I have written to the same effect to Her Majesty's Ambassador at Berlin.

Her Majesty's Government are persuaded, although they have not communicated with them on the subject, that the other parties to the existing Treaty of Guarantee would readily adopt a similar course. I need scarcely remark on the extent to which such an engagement, even in the midst of war, would serve to relieve the general anxiety which at present not unnaturally disturbs the minds of neutral Powers.

I am, &c.

(Signed) GRANVILLE.

No. 64.

Earl Granville to Sir A. Buchanan.†

Sir,

Foreign Office, July 30, 1870.

I TRANSMIT to your Excellency herewith a copy of an identic despatch to Her Majesty's Ambassadors at Paris and at Berlin,‡ instructing them to acquaint the respective Governments to which they are accredited, with the readiness of Her Majesty's Government to record in a Protocol or Convention, to be signed with each of them, their common determination to maintain the neutrality of Belgium.

I am, &c.

(Signed) GRANVILLE.

No. 65.

Sir A. Buchanan to Earl Granville.—(Received August 1.)

My Lord,

St. Petersburg, July 24, 1870.

WITH reference to my telegram of yesterday, I have the honour to inclose herewith a copy of an official translation published in this morning's "*Journal de St. Pétersbourg*," of the Russian declaration of neutrality in the war between France and Prussia, which appeared in the official messenger of yesterday.

I have, &c.

(Signed) ANDREW BUCHANAN.

Inclosure in No. 65.

Extract from the "Journal de St. Pétersbourg" of July $\frac{12}{24}$, 1870.

LES dissentiments survenus en dernier lieu entre les Gouvernements Français et Prussien ont fixé la vive sollicitude de Sa Majesté l'Empereur.

* A similar despatch. *mutatis mutandis*, was addressed to Lord A. Loftus.

† A similar despatch was addressed to Lord Bloomfield.

‡ No. 63.

Par ordre de Sa Majesté Impériale tous les efforts ont été employés afin de prévenir un conflit armé.

Malheureusement la forme péremptoire pris dès le début par les explications des deux Gouvernements et la précipitation avec laquelle ont été adoptées des résolutions extrêmes, ont rendu infructueux les efforts du Gouvernement Impérial et ceux des autres Puissances qui poursuivaient le même but.

Sa Majesté l'Empereur envisage avec un profond regret les calamités inséparables de l'état de guerre sur le Continent Européen.

Sa Majesté Impériale a fermement résolu d'observer une stricte neutralité à l'égard des deux Puissances belligérantes aussi longtemps que les intérêts de la Russie ne seront pas affectés par les éventualités de la guerre.

Le concours le plus sincère du Cabinet Impérial demeure acquis à toute tentative qui serait faite pour restreindre les limites des opérations de la guerre, en abrégier la durée et rendre à l'Europe les bienfaits de la paix.

(Translation.)

THE dissensions which have lately arisen between the French and Prussian Governments have attracted the anxious attention of His Majesty the Emperor.

By order of His Imperial Majesty all efforts have been made to prevent an armed conflict.

Unhappily the peremptory form assumed from the beginning by the explanations of the two Governments, and the precipitation with which extreme resolutions have been adopted, have rendered fruitless the efforts of the Imperial Government, and those of the others Powers who pursued the same object.

His Majesty the Emperor sees with profound regret the calamities inseparable from a state of war on the Continent.

His Imperial Majesty has firmly resolved to observe a strict neutrality towards the two belligerent Powers as long as the interests of Russia are not affected by the eventualities of the war.

The most sincere co-operation of the Imperial Cabinet will be given to every attempt that may be made to restrict the limits of the operations of the war, to shorten its duration, and to restore to Europe the blessings of peace.

No. 66.

Vice-Admiral Harris to Earl Granville.—(Received August 1.)

My Lord,

The Hague, July 28, 1870.

THE Government of the Netherlands has received from that of Luxemburg a note identical with that which I had the honour to transmit to your Lordship with my despatch dated the 21st instant.

The Netherlands Government, in answering it, confined itself to expressions of goodwill, and of the hope that the neutrality of the Duchy of Luxemburg will not be violated by the belligerent Powers.

I have, &c.

(Signed) E. A. J. HARRIS.

No. 67.

Mr. Lumley to Earl Granville.—(Received August 1.)

My Lord,

Brussels, July 31, 1870.

M. DE BALAN, the Prussian Minister, when I saw him two days ago, said that very great dissatisfaction was felt throughout Germany, and was expressed in the Prussian semi-official papers, at the character of the neutrality of Great Britain, and especially at the permission to export coal to France, which was looked upon by them, if not as a breach of neutrality, at all events as evidence of an unfriendly spirit towards Germany.

I told M. de Balan that I had been as much surprised as pained to see the bitter feeling which had been aroused in Prussia by the conduct of England, which was in strict accordance with her neutrality. The Germans, it is true, seem to have expected that Her Majesty's Government would have prohibited the exportation of coal; had we done

so, France might with justice have considered such a prohibition as an act of hostility towards her, since it would have had the effect of paralyzing the action of her fleet, whereas, at present, both the belligerents might draw their supplies of coal from England.

The Germans, it is true, say they do not want our coal, the exportation of which only benefits their adversary; but it is possible to conceive an eventuality in which Prussia might find the free exportation of coal from England greatly to her advantage; if, for instance, by the mischance of war she were to lose her coal mines, when she would have reason to be thankful that coal had not been declared contraband of war, and that she was not debarred from drawing from neutral sources the supplies so indispensable for her vessels, her railways, and her manufactures; nor was it to be expected that, because two Powers were determined to go to war, in spite of the efforts of a friendly Power to bring about a reconciliation, the third Power, who was not mixed up in their dispute, should inflict upon herself a restriction which would be the ruin of thousands of her industrial population.

M. de Balan made no reply to these observations.

It is evident, from the language of the German press, that what is expected of England is not the reserve of a neutral, but the sympathy and support of an ally.

I have, &c.

(Signed) J. SAVILE LUMLEY.

No. 68.

Baron Hochschild to Earl Granville.—(Received August 1.)

Londres, le 1 Août, 1870.

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Suède et Norvège, a l'honneur de notifier à son Excellence M. le Comte Granville, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères, que la déclaration de guerre adressée par le Gouvernement Impérial de France à celui de Sa Majesté le Roi de Prusse ayant été portée officiellement à la connaissance du Gouvernement du Roi de Suède et Norvège, Sa Majesté a résolu d'observer dans la guerre qui vient d'éclater une stricte neutralité, se réservant la faculté d'interdire aux bâtiments de guerre des parties belligérantes l'entrée de certains ports de guerre des Royaumes Unis.

Le Soussigné, &c.

(Signé) HOCHSCHILD.

(Translation.)

London, August 1, 1870.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Sweden and Norway, has the honour to notify to his Excellency Earl Granville, Principal Secretary of State for Foreign Affairs, that the declaration of war addressed by the Imperial Government of France to that of His Majesty the King of Prussia having been officially communicated to the Government of His Majesty the King of Sweden and Norway, His Majesty has resolved to observe during the war which has just broken out a strict neutrality, reserving to himself the power of forbidding ships of war of the belligerent parties to enter certain ports of war of the United Kingdoms.

The Undersigned, &c.

(Signed) HOCHSCHILD.

No. 69.

Lord Lyons to Earl Granville.—(Received August 1.)

My Lord,

Paris, July 31, 1870.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a notice that the Emperor has assumed the command of the army of the Rhine.

I have, &c.

(Signed) LYONS.

Inclosure in No. 69.

*Extract from the "Journal Officiel" of July 31, 1870.**Paris, le 30 Juillet, 1870.*

L'EMPEREUR a pris hier le commandement en chef de l'armée du Rhin.

(Translation.)

Paris, July 30, 1870.

THE Emperor yesterday assumed the command in chief of the army of the Rhine.

No. 70.

Lord Lyons to Earl Granville.—(Received August 1.)

My Lord,

Paris, July 31, 1870

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, an article on the correspondence preliminary to the war presented to Parliament by order of Her Majesty.

I have, &c.
(Signed) LYONS.

Inclosure in No. 70.

Extract from the "Journal Officiel" of July 31, 1870.

LES DOCUMENTS ANGLAIS.—Les documents publiés par le Gouvernement Anglais, au sujet des négociations qui ont précédé la guerre, prouvent d'une manière précise et authentique l'exactitude de tous les faits allégués par le Gouvernement de l'Empereur. Ce "Blue Book" éclaircira tous les doutes, dans le cas où il en existerait encore.

On avait reproché à la France d'avoir porté la négociation à Ems au lieu de la poursuivre à Berlin, par les voies ordinaires. C'est le Représentant de l'Angleterre en Prusse, Lord Loftus, qui se charge lui-même de répondre à cette critique. Il déclare en effet, par une dépêche en date du 6 Juillet, que le Cabinet de Berlin, se désintéressant de la question pour la considérer comme regardant uniquement la famille Royale de Prusse, déclinait toute solidarité dans la candidature du Prince de Hohenzollern.

C'était là, suivant les expressions de M. de Thile, "une affaire qui n'existait pas pour le Gouvernement Prussien."

Ne pouvant agir à Berlin, nous étions donc dans la nécessité de porter la négociation à Ems, auprès du Roi lui-même.

On soutenait que la France, dans le cours du débat, avait modifié et augmenté ses prétentions.

Les documents Anglais établissent au contraire que, depuis la première phase des négociations jusqu'à la dernière, notre diplomatie s'est toujours placée sur le même terrain. La première dépêche adressée par le Duc de Gramont au Comte Benedetti, arrivé à Ems, se termine par cette phrase: "Pour que la renonciation produise son effet, il est nécessaire que le Roi s'y associe, et vous donne l'assurance qu'il n'autorisera pas de nouveau la candidature."

Or, les dépêches Anglaises prouvent que telle a été depuis le commencement jusqu'à la fin notre seule réclamation. Nous ne demandons qu'une chose: une renonciation sérieuse, définitive, et le Gouvernement Britannique comprenait parfaitement que nous étions en droit de poser ainsi la question.

On a prétendu que la France, en demandant au Roi de Prusse de s'associer à la renonciation de son parent, avait formulé une demande exagérée, contraire à la dignité du Monarque. La meilleure preuve qu'il n'en était pas ainsi, c'est que Lord Granville nous prêta son concours auprès du Roi, en vue d'obtenir, sur ce point, ce que nous réclamions. Il est vrai que M. de Bismarck s'en est indigné, et a vu avec un extrême déplaisir l'attitude du Cabinet de Londres.

Aux journaux Prussiens qui soutiennent que la France voulait la guerre à tout prix, nous répondons par la dépêche de Lord Lyons en date du 13 Juillet. L'Ambassadeur d'Angleterre écrit à Lord Granville que la France n'exprime qu'un désir, c'est que le Roi

de Prusse prenne l'engagement d'empêcher le Prince de Hohenzollern d'accepter de nouveau la candidature. Lord Lyons ajoute dans la même dépêche qu'il demanda au Duc de Gramont de l'autoriser à transmettre cette Déclaration au Gouvernement de la Reine.

Le Ministre des Affaires Etrangères prit alors une feuille de papier qu'il plaça dans les mains de l'Ambassadeur, après y avoir écrit ces mots : "Nous demandons au Roi de Prusse de défendre au Prince de Hohenzollern de revenir sur sa résolution. S'il le fait, *tout l'incident est terminé.*"

Si la France avait eu des arrière-pensées, aurait-elle fait au Gouvernement de la Reine une déclaration qui avait le caractère d'une promesse formelle, et qui nous imposait l'obligation de nous tenir pour satisfaits, dans le cas où le Roi de Prusse aurait déferé à notre unique demande ?

Nous avons dit que l'insulte faite à notre dignité a été la publicité intentionnelle donnée en dernier lieu au refus de recevoir notre Ambassadeur, et que c'est là, pour ainsi dire, la dernière goutte qui a fait déborder la vase. Une dépêche de Lord Lyons, en date du 15 Juillet, est la confirmation de cette vérité.

Signalons dans les documents Anglais d'autres points qui ne sont pas dignes d'une moindre attention. Une des dépêches les plus curieuses est celle que l'Ambassadeur d'Angleterre à Berlin adresse à Lord Granville le 13 Juillet.

Lord Loftus dit que le Comte de Bismarck et le Ministère Prussien trouvent l'attitude du Roi à Ems trop modérée, et craignent que la négociation ne prenne une tournure trop conciliante. D'après M. de Bismarck, la réception courtoise faite par le Souverain à M. Benedetti excite dans toute la Prusse "une indignation générale." Ne reconnaissons-nous pas dans cet inqualifiable langage les procédés de l'homme d'Etat combattant toujours les scrupules honorables de son maître et le poussant à commettre des actes que répugnaient à sa conscience royale ? C'est M. de Bismarck qui a voulu la guerre : que la responsabilité en retombe sur lui !

Quant à la France, elle n'a rien à se reprocher. Dans ses rapports avec le Roi M. Benedetti n'a pas été seulement modéré, il a été respectueux. La prétendue lettre d'excuses qui aurait été demandée au Souverain de la Prusse n'est qu'une ridicule invention. Il n'y a pas dans le "Blue Book" Anglais une seule allusion à cette soi-disant exigence. Si jamais elle se fût produite, Lord Lyons, qui était tenu jour par jour, ou pour mieux dire heure par heure, au courant de la négociation, n'en aurait-il par été informé ?

La lumière se fait donc sur tous les points. C'est l'Angleterre elle-même qui réfute loyalement, par une simple exposition des faits, les attaques et les calomnies dirigées contre nous.

Au début du conflit, c'est elle qui, reconnaissant la légitimité de notre grief, fait ressortir avec la plus grande énergie, en Espagne comme en Prusse, tous les inconvénients, tous les dangers de la candidature Hohenzollern. A l'issue du débat, c'est elle qui demande au Roi Guillaume de s'associer à la renonciation du Prince. Si nous avions voulu la guerre, aurions-nous sollicité avec tant d'insistance les bons offices du Cabinet de Londres pour obtenir la paix ? Si nous avions formulé des demandes exorbitantes, serions-nous parvenus à les faire appuyer par un Gouvernement aussi impartial que le Gouvernement Anglais ? Le ton des dépêches si remarquables de Lord Lyons et de Lord Granville ne prouve-t-il pas que nos relations avec l'Angleterre n'ont jamais eu un caractère plus amical ? A ceux qui révoqueraient encore en doute telle ou telle des allégations mises en avant soit à la Tribune, soit dans la correspondance diplomatique par les Ministres de l'Empereur, nous ne ferons qu'une seule réponse : "Lisez les documents Anglais."

(Translation.)

THE ENGLISH DOCUMENTS.—The documents that have been published by the English Government upon the subject of the negotiations which preceded the war prove in a precise and authentic manner the exactness of all the facts stated by the Emperor's Government. This "Blue Book" will clear up all doubts, if any are entertained.

A reproach has been addressed to France for conducting the negotiations at Ems instead of pursuing them at Berlin by the usual channels. The Representative of England in Prussia, Lord A. Loftus, replies for us to that criticism. He declares, in effect, in a despatch dated July 6, that the Cabinet of Berlin, holding itself unconcerned with a question which it considered as affecting only the Royal family of Prussia, disclaimed all connection with the nomination of the Prince of Hohenzollern.

According to the expression of M. de Thile, that was an affair which had no existence as far as the Prussian Government was concerned.

Not being able to act at Berlin we were therefore under the necessity of removing the negotiations to Ems, where the King was.

It has been alleged that France, during the course of the controversy, modified and enlarged her demands.

The English documents prove, on the contrary, that from the first phase of the negotiations to the last, our diplomacy was placed on the same ground. The first despatch addressed by the Duc de Gramont to Count Benedetti after his arrival at Ems concludes thus:—"In order that the renunciation may be effectual it is necessary that the King should join in it, and give you the assurance that he will not again authorize the Prince's nomination."

Now, the English despatches prove that such has been from the beginning to the end our sole demand. We only asked for one thing—a renunciation real and definitive, and the British Government perfectly understood that we were in the right in placing the question upon that footing.

It has been asserted that France, in asking the King of Prussia to join in the renunciation of his relative, preferred an excessive demand, and one contrary to the dignity of the Monarch. The best proof that such was not the case is that Lord Granville gave us his co-operation with a view to obtain from the King that which we required upon the point. It is true that M. de Bismarck was indignant, and regarded the conduct of the Cabinet of London with extreme displeasure.

To the Prussian journals which assert that France wished for war at any price, we reply by referring to the despatch from Lord Lyons dated the 13th of July. The Ambassador of England writes to Lord Granville that France expresses but one desire—that the King of Prussia should engage himself to prevent the Prince of Hohenzollern from ever again accepting the nomination. Lord Lyons adds in the same despatch that he requested the Duc de Gramont to authorize him to forward that declaration to the Queen's Government.

The Minister of Foreign Affairs then took a sheet of paper which he placed in the hands of the Ambassador after having written upon it these words: "We require the King of Prussia to forbid the Prince of Hohenzollern from retracting his resolution. If he does so, the whole incident is at an end."

If France had any concealed intentions ("arrières-pensées") would she have made to the Queen's Government a declaration which had the character of a formal promise, and which imposed upon us the obligation of holding ourselves to be satisfied if the King of Prussia had acceded to our sole demand?

We have said that the insult offered to our dignity was the intentional publicity given at last to the refusal to receive our Ambassador, and that was, so to speak, the last drop that caused the cup to overflow. A despatch from Lord Lyons, dated July 15, is the confirmation of this truth.

We may mention some other points contained in the English documents which are not less worthy of notice. One of the most curious despatches is that which the English Ambassador at Berlin addressed to Lord Granville on the 13th of July.

Lord A. Loftus says that Count Bismarck and the Prussian Ministry thought that the behaviour of the King at Ems was too moderate, and they feared that the negotiations might take too conciliatory a turn. According to M. de Bismarck the courteous reception accorded by the Sovereign to M. Benedetti excited throughout Prussia "general indignation." Do we not detect in this unqualifiable language the proceedings of the statesman continually combating the honourable scruples of his Master, and urging him to the commission of acts which revolted his Royal conscience? It is M. de Bismarck who wished for war. Let the responsibility of it fall upon him!

As for France, she has nothing to reproach herself with. In his intercourse with the King, M. Benedetti was not only moderate, but respectful. The pretended letter of excuse said to have been demanded from the Sovereign of Prussia is but a ridiculous invention. There is not a single reference in the English Blue Book to this alleged demand. If ever it had been put forth would not Lord Lyons, who from day to day, or rather from hour to hour, had been kept acquainted with the progress of the negotiations, have been informed of it?

Light, then, has been thrown upon all these points. It is England herself which loyally refutes, by a simple statement of facts, the attacks and calumnies which have been directed against us.

At the outset of the dispute it was she who, recognizing the legitimacy of our complaint, pointed out with the utmost energy, in Spain as in Prussia, all the inconveniences, all the dangers, attaching to the nomination of the Prince of Hohenzollern. At the close of the discussion it is England which asks King William to join in the Prince's renuncia-

tion. If we had desired war, should we have solicited with so much persistence the good offices of the Cabinet of London to obtain peace? If we had preferred exorbitant demands, should we have obtained in support of them the co-operation of so impartial a Government as the English Government? Does not the tone of the very remarkable despatches from Lord Lyons and Lord Granville prove that our relations with England were never of a more friendly character? To those who still raise doubts upon any of the statements that have been made either in the tribune or in the diplomatic correspondence by the Emperor's Ministers, we have but one reply to make,—“Read the English documents.”

No. 71.

Lord Lyons to Earl Granville.—(Received August 1.)

(Extract.)

Paris, July 31, 1870.

THIS afternoon I put into the Duc de Gramont's hand a copy of your Lordship's despatch of yesterday,* stating that Her Majesty's Government would be prepared to unite with France in recording in a Convention or Protocol the determination of the two Powers to maintain the neutrality of Belgium. After reading the despatch carefully through, M. de Gramont told me that he had already received by telegraph, from the Marquis de Lavalette, a translation of it *in extenso*, which appeared to be perfectly accurate.

No. 72.

Lord Lyons to Earl Granville.—(Received August 1.)

My Lord,

Paris, July 31, 1870.

PRINCE METTERNICH, the Austrian Ambassador, came to see me this afternoon and told me that the Duc de Gramont had mentioned to him the proposal made by Her Majesty's Government that France and Prussia should each sign a Convention with Great Britain recording the determination to respect the neutrality of Belgium.

As I thought it desirable that Prince Metternich should know the exact terms of the proposal, and should in particular be made acquainted with the reference to the other Powers, parties to the guarantee of Belgium, I gave him the perusal of your Lordship's despatch of yesterday.

I have, &c.
(Signed) LYONS.

No. 73.

M. de Lavalette to Earl Granville.—(Received August 1.)

M. le Comte,

Londres, le 1 Août, 1870.

LE Gouvernement de l'Empereur a décidé, en raison des circonstances actuelles, que la formalité du passeport serait, pendant la durée de la guerre, rétablie d'une manière générale à l'égard de tout voyageur étranger désirant sortir de France ou pénétrer sur les territoire Français.

J'ai l'honneur de notifier à votre Excellence cette décision, qui se justifie aussi bien par l'intérêt même des sujets Britanniques que par des considérations de sécurité publique. Le Gouvernement de l'Empereur, votre Excellence ne l'ignore pas, bien qu'en consentant, sur la demande d'un certain nombre d'Etats étrangers, à supprimer réciproquement la formalité du passeport, s'est expressément réservé le droit de la rétablir lorsque les circonstances l'exigeraient.

Veuillez, &c.
(Signé) LAVALETTE

(Translation.)

M. le Comte,

London, August 1, 1870.

THE Emperor's Government has decided, in consequence of existing circumstances, that the formality of the passport should be universally re-established during the war, as regards every foreign traveller desiring to leave or to enter French territory.

I have the honour to notify to your Excellency this decision, which is justified in the interest of British subjects themselves, as well as by considerations of public safety. The Emperor's Government, as your Excellency is aware, although it consented, at the request of a certain number of foreign States, mutually to suppress the formality of the passport, expressly reserved the right of re-establishing it when circumstances required.

Receive, &c.

(Signed) LAVALETTE.

No. 74.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, August 1, 1870.

I HAVE to request your Excellency, with reference to Consul Hertslet's despatch to you, inclosed in your despatch of the 25th ultimo, to express to him my entire approval of his having informed Her Majesty's Vice-Consul at Memel, who had applied for information as to the validity of the sale of merchant-vessels by belligerents to neutrals, that it was not the business of Her Majesty's Consuls to advise or give opinions upon questions upon which Prize Courts of belligerents might have to decide.

I am, &c.

(Signed) GRANVILLE.

No. 75.

Sir H. Howard to Earl Granville.—(Received August 2.)

(Extract.)

Munich, July 29, 1870.

BY the request of Count Bray I have the honour to transmit herewith to your Lordship a copy of a Memorandum of the 27th instant, which he placed in my hands yesterday, refuting the charge, injurious to his honour and good faith, contained in an article in the French newspaper "La France," reproduced in the "Journal Officiel" of the 23rd instant, to the effect that he had sought to influence the vote of the Chamber of Deputies, in its sitting of the 19th instant, on the war subsidy demanded by the Government, by knowingly having recourse "to a mendacious allegation when he declared that the German territory had already been invaded by French troops."

Count Bray states in his Memorandum, that he confined himself to communicating to the Chamber the two telegraph despatches of the 19th instant, which he had received during the sitting from Baron Perglas, the Bavarian Minister at Berlin, announcing the Declaration of War by France, and an engagement between the outposts on the Franco-Prussian frontier.

In Count Bray's Memorandum are inclosed legalized copies and translations of these telegrams, as well as of the extract from a Report of the 20th instant from the Bavarian Custom-house officer at the Zollverein Custom-house at Saarbrücken, showing that, on the previous day, a French detachment had crossed the frontier, seized the Zollverein Treasury at the Custom-house of Försterlohe, and carried off two Custom-house officers as prisoners.

Inclosure 1 in No. 75.

Memorandum by Count Bray.

UN article du journal "La France," inséré au "Journal Officiel" du soir, du 23 courant, attribue au Comte de Bray-Steinburg, Ministre des Affaires Etrangères de Bavière, l'intention d'influer sur le vote de la Chambre des Députés, dans la séance de 19 Juillet, "en recourant sciemment à une allégation mensongère, moyennant la déclaration que le territoire Allemand avait déjà été envahi par les troupes Françaises."

Or, le Comte Bray n'a fait que communiquer, comme il le devait, à la Chambre le contenu des dépêches télégraphiques qui lui étaient parvenues séance tenante.

La copie et la traduction légalisée de ces deux dépêches datées du 19 Juillet, et portant la signature officielle du Baron de Perglas, Ministre de Bavière à Berlin, se trouvent jointes à cet exposé. Elles annoncent la déclaration de guerre et un combat d'avant-poste sur la frontière.

En faisant connaître ces dépêches officielles à la Chambre, de même qu'il l'avait fait pour toutes les autres, le Comte de Bray ne lui a donc certes point annoncé "sciemment" un fait inexact.

Mais le fait de la violation de territoire, bien que démenti par quelques feuilles Françaises, n'en est pas moins très-véritable.

On s'en convaincra par la lecture du rapport ci-joint, en copie légalisée de l'employé Bavarois du Zollverein stationné à Saarbrücken, rapport daté du 20 Juillet et constatant que *la veille*, jour de la remise de la déclaration de guerre, un détachement Français a franchi la frontière et s'est emparé de la caisse de la douane du Zollverein, emmenant deux employés des douanes, qui sont retenus prisonniers jusqu'à ce jour.

Le Gouvernement Français est trop puissant pour combattre ses adversaires par des armes déloyales. Il reconnaîtra donc que la grave accusation portée dans son "Journal Officiel" contre le Ministre des Affaires Etrangères de Bavière manque de fondement, et que le langage que ce Ministre a tenu est conforme en tout point à la vérité et au contenu des pièces qui lui étaient officiellement transmises.

Munich, le 27 Juillet, 1870.

(Translation.)

AN article of the journal "La France," inserted in this evening's "Journal Officiel," of the 23rd instant, attributes to Count Bray-Steinburg, Minister of Foreign Affairs in Bavaria, the intention of influencing the vote of the Chamber of Deputies, in the sitting of July 19th, "by knowingly referring to a false allegation relating to the declaration that the German territory had already been invaded by the French troops."

The fact is that Count Bray only communicated, as was his duty, to the Chamber the contents of the telegraphic despatches which were transmitted to him during the sitting.

The copy and the legalized translation of these two despatches, dated July 19th, and bearing the official signature of the Baron of Perglas, Minister of Bavaria at Berlin, are to be found annexed to this declaration. They announce the declaration of war, and an out-post fight on the frontier.

In informing the Chamber of these official despatches, as he had done with all the others, Count Bray certainly did not "knowingly" announce a fact which was inexact.

But the fact of the violation of territory, although denied by some French papers, is not the less perfectly true.

This is proved by reading the annexed Report, in a legalized copy, of the Bavarian employé of the Zollverein stationed at Saarbrücken, dated 20th July, and stating that on the evening before, the day on which the declaration was sent, a French detachment crossed the frontier and seized the chest of the Custom of the Zollverein, carrying off two employés of the Customs, who, up to to-day, are detained as prisoners.

The French Government is too powerful to fight its adversaries with disloyal arms. It will, therefore, recognize that the grave accusation brought in its "Journal Officiel" against the Minister for Foreign Affairs in Bavaria without foundation, and that the language which that Minister has held agrees in every point with the truth and with the contents of the documents which have been officially transmitted to him.

Munich, July 27, 1870.

Inclosure 2 in No. 75.

Legalized Translations of two Telegrams of the 19th July, 1870, from the Bavarian Minister at Berlin to Count Bray, as well as of a Report of the 20th July from the Bavarian Custom-House Officer at Saarbrücken.

(Traduction.)

(Copie. No. 8,783.)

Munich de Berlin.

*Parti le 19 Juillet, à 2 heures 14 minutes de l'après-midi.
Arrive le 19 Juillet, à 3 heures 20 minutes de l'après-midi.*

Télégramme.

Ministère des Affaires Etrangères, Munich.

L'AMBASSADEUR Français ayant demandé ses passeports, la rupture des rapports diplomatiques avec la France vient d'avoir lieu. La déclaration de guerre de la France est remise dans ce moment même. Un combat d'avant-poste sur la frontière Franco-Prussienne a eu lieu sans pertes.

(Le Gouvernement Prussien avait eu l'intention d'envoyer aujourd'hui les passeports.)

(Signé) PERGLAS.

Pour traduction conforme à l'original.

Munich, le 28 Juillet, 1870.

Le Secrétaire-Général au Ministère des Affaires Etrangères de Bavière,

(Signé) D. PRESTELE.

(Traduction.)

(Copie. No. 8,803.)

Munich, le 19 Juillet, 1870.

Munich de Berlin.

*Parti le 19 à 2 heures 39 minutes de l'après-midi.
Arrivé le 19 à 4 heures de l'après-midi.*

Télégramme.

Ministère des Affaires Etrangères, Munich.

La déclaration de guerre est remise par note. Stoffel part ce soir, les membres de l'Ambassade partiront demain soir. Les Consuls Français (Missi) seront renvoyés. L'Angleterre se charge de la protection des Français en Prusse, l'Amérique de la protection des Allemands en France.

(Signé) PERGLAS.

Pour traduction conforme à l'original.

Munich, le 28 Juillet, 1870.

Le Secrétaire-Général au Ministère des Affaires Etrangères de Bavière,

(Signé) D. PRESTELE.

(Traduction.)

Extrait d'un Rapport de l'Inspecteur des Douanes à Saarbrücken.

Saarbrücken, le 20 Juillet, 1870.

L'ouverture des hostilités a eu lieu, sur nos frontières, de la part des troupes Françaises par l'enlèvement de deux douaniers.

Hier, à 3 heures du matin, une patrouille de cavalerie Française arrivant au galop à la douane de Forsterhöhe, située à une lieue d'ici, sur la route de Forbach, a enlevé le garde-frontière Ehme fonctionnant comme percepteur et le garde Roscheds, stationné également dans la douane susmentionnée. Après s'être emparée des armes de ces douaniers et de la caisse, ne contenant, du reste, que quelques écus, la patrouille Française

se retira précipitamment, poursuivie par un piquet de lanciers accouru en toute hâte. Quelques coups de feu échangés dans cette rencontre restèrent sans effet.

Des troupes plus nombreuses de cavalerie et d'infanterie se montrèrent hier à 10 heures du matin, mais elles se retirèrent également à l'approche de détachements d'infanterie et de cavalerie Prussienne.

(Signé)

SCHIESSL, *Inspecteur des Douanes.*

Pour traduction conforme à l'original.

Munich, le 28 Juillet, 1870.

Le Secrétaire-Général au Ministère des Affaires Etrangères de Bavière,

(Signé) D. PRESTEL.

(Translation.)

(Copy. No. 8,783.)

To Munich from Berlin.

Sent July 19, 2.14 P.M.

Received July 19, 3.20 P.M.

Telegram.

Ministry for Foreign Affairs, Munich.

THE French Ambassador having demanded his passports, the rupture of diplomatic relations with France has just taken place. The French declaration of war is delivered at this very moment. Outpost fight has taken place on the French frontier without loss.

(The Prussian Government had intended sending the passports to-day.)

(Signed) PERGLAS.

For translation agreeing with the original.

Munich, July 28, 1870.

The Principal Secretary at the Ministry of Foreign Affairs of Bavaria,

(Signed) D. PRESTEL.

(Copy. No. 8,803.)

Munich, July 19, 1870.

To Munich from Berlin.

Sent the 19th, at 2.39 P.M.

Received the 19th, at 4 P.M.

Telegram.

Ministry for Foreign Affairs at Munich.

The declaration of war has been sent by note. Stoffel leaves to-night ; the members of the Embassy will leave to-morrow evening. The French Consuls (Missi) will be sent away. England undertakes the protection of Frenchmen in Prussia, and America the protection of Germans in France.

(Signed) PERGLAS.

For translation agreeing with the original.

Munich, July 28, 1870.

The Principal Secretary at the Ministry of Foreign Affairs of Bavaria,

(Signed) D. PRESTEL.

Extract of a Report from the Inspector of Customs at Saarbrücken.

Saarbrücken, July 20, 1870.

The commencement of hostilities has taken place on our frontier, on the part of French troops, by the carrying off of two Custom-house officers.

Yesterday, at 3 o'clock in the morning, a patrol of French cavalry, galoping up to the Custom-house of Forsterhöhe, situated a league from here, on the Forbach Road, carried off the frontier-guard Ehme, performing his duties as collector, and the guard Roscheds, also stationed in the above-mentioned Custom-house. After having seized the arms of these Custom-house officers, and the money-chest, containing, however, only a few crowns, the French patrol retired precipitately, pursued by a picket of lanciers who had come in haste to the spot. Some shots exchanged in this meeting were without effect.

Some more numerous bodies of cavalry and infantry showed themselves yesterday at 10 in the morning, but they also retired on the approach of detachments of Prussian infantry and cavalry.

(Signed)

SCHIESSL, *Inspector of Customs.*

For translation agreeing with the original.

Munich, July 28, 1870.

The Secretary-General at the Ministry of Foreign Affairs of Bavaria,

(Signed) D. PRESTEL

No. 76.

Lord A. Loftus to Earl Granville.—(Received August 2.)

My Lord,

Berlin, July 29, 1870.

I HAVE the honour to transmit herewith to your Lordship copy of a letter written by Mr. Robert Smith, of Hull, to a certain Dr. Phillips, in which it stated that, while the French are making large purchases of horses in England, no horses are allowed to be shipped from Hull.

This letter was communicated to me in a confidential letter from Baron Thile, copy of which I also inclose; his Excellency observes that this intelligence will produce a deep and painful impression throughout Germany.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure 1 in No. 76.

Mr. Smith to Dr. Phillip.

Dr. Phillip,

Hull, July 25, 1870.

I MENTIONED in my letter yesterday that the French are buying a great many horses in England for the war, but by what route they get them over I don't exactly know; but, of course, as England professes to be neutral, horses are beyond doubt contraband, and I should tell some of your officers that he may directly make it known to the English Ambassador in Berlin (Lord A. Loftus), and he must, of course, immediately order it to be stopped. No horses are allowed to be shipped from Hull; but I think that is because the ship-owners will not risk their ships being sent back: tell this to some one high in authority, as they are buying up everything they can in London, &c. Love to all.

Yours, &c.

(Signed) ROBT. SMITH.

Inclosure 2 in No. 76.

Baron Thile to Lord A. Loftus.

M. l'Ambassadeur,

Berlin, le 28 Juillet, 1870.

JE prends la liberté de placer sous les yeux de votre Excellence ci-près une lettre particulière datée de Hull le 25 de ce mois, que je vous prie de bien vouloir me renvoyer. Il en résulte que selon l'assurance de l'auteur, des difficultés sont faites en Angleterre à l'exportation de quelques chevaux destinés pour la Prusse, tandis qu'on expédie d'énormes quantités de chevaux destinés pour la France.

Je n'ai pas besoin d'exprimer à votre Excellence l'effet de profonde et pénible surprise que cette nouvelle doit produire en Allemagne.

Agréez, &c.

(Signé) THILE.

(Translation.)

M. l'Ambassadeur,

Berlin, July 28, 1870.

I TAKE the liberty of submitting to your Excellency herewith a private letter, dated Hull, 25th instant, which I beg you will be good enough to return to me. It appears from it that, according to the statement of the writer, difficulties are made in

England with regard to the export of a few horses destined for Prussia, while enormous quantities of horses are shipped for France.

I need not express to your Excellency the profound and painful surprise which this news must produce in Germany.

Accept, &c.
(Signed) THILE.

No. 77.

Count Bismarck to Count Bernstorff.—(Communicated to Earl Granville by Count Bernstorff, August 2.)

(Translation.)

Berlin, July 29, 1870.

THE expectation expressed by Lord Granville and Mr. Gladstone in Parliament that more exact information in reference to the Draft Treaty of Count Benedetti, would be furnished by the two Powers concerned, was in a preliminary manner fulfilled on our side by the telegram which I addressed to your Excellency on the 27th instant. The telegraphic form allowed but a short statement, which I now complete in writing.

The document published by the "Times" contains by no means the only proposition of that kind which has been made to us on the part of France. Even before the Danish war, official and non-official French agents have tried to induce me to bring about an alliance between France and Prussia, with the object of mutual aggrandizement. It is scarcely necessary for me to notice to your Excellency that the belief of the French Government in the possibility of such transactions on the part of a German Minister whose position is dependent on his being in accord with the German national feeling, can only be explained by the ignorance of the French statesman with regard to the fundamental conditions of the existence of other nations. Had the agents of the Paris Cabinet been apt to observe the state of German affairs, the delusion that Prussia could ever assent to regulate the affairs of Germany with the assistance of France would never have been entertained in Paris.

Your Excellency is of course, as well as I am myself, aware how little the French are acquainted with Germany.

The endeavours of the French Government to carry out, with the assistance of Prussia, its covetous views with reference to Belgium and the Rhine frontier, were brought to my consideration even before 1862—therefore before my accession to the Foreign Office. I cannot consider it to be my duty to draw into the sphere of international transactions such communications, which were purely of a personal nature, and I believe I have to abstain from publishing the most interesting contributions which I might supply towards the elucidation of the matter from private conversations and private letters.

In the way of external influence upon European politics these tendencies of the French Government were first recognizable by the favourable attitude to us which France assumed in the German Danish conflict. The subsequent bad feeling of France against us on account of the Treaty of Gastein, was attributable to the apprehension lest a durable strengthening of the Prusso-Austrian Alliance should deprive the Paris Cabinet of the fruits of this its attitude. Already in 1865 France had reckoned upon the outbreak of war between us and Austria, and again willingly drew nearer to us as soon as our relations with Vienna began to be troubled. Before the outbreak of the Austrian War in 1866, proposals were made to me, partly through his relatives of His Majesty the Emperor of the French, and partly by confidential agents, which each time had for their object smaller or larger transactions for the purpose of effecting mutual aggrandizement. At one time the question was about Luxemburg, or about the frontier of 1814, with Landau and Saarlouis, at another about larger objects, from which the French-Swiss cantons, and the question where the linguistic boundaries of the languages in Piedmont were to be drawn, did not remain excluded.

In May 1866 these insinuations assumed the form of a proposition for an offensive and defensive alliance; the following extract of its principal features remained in my hands:—

1. En cas de Congrès poursuivre d'accord la cession de la Venétie à l'Italie et l'annexion des Duchés à la Prusse.

2. Si le Congrès n'aboutit pas, alliance offensive and défensive.

3. Le Roi de Prusse commencera les hostilités dans les dix jours après la séparation du Congrès.

4. Si le Congrès ne se réunit pas, la Prusse attaquera dans trente jours après la signature du présent Traité.

5. L'Empereur des Français déclarera la guerre à l'Autriche dès que les hostilités seront commencées entre l'Autriche et la Prusse (en trente jours 300,000).

6. On ne fera pas de paix séparée avec l'Autriche.

7. La paix se fera sous les conditions suivantes : La Vénétie à l'Italie. A la Prusse les territoires Allemands ci-dessus (7,000,000 à 8,000,000 d'âmes au choix), plus la réforme fédérale dans le sens Prussien. Pour la France le territoire entre Moselle et Rhin sans Coblenz ni Mayence, comprenant 500,000 âmes de Prusse, la Bavière rive gauche du Rhin, Birkenfeld, Homburg, Darmstadt, 213,000 âmes.

8. Convention militaire et maritime entre France et Prusse dès la signature.

9. Adhésion du Roi d'Italie.*

The strength of the army with which the Emperor, in accordance with Article V, would assist us, was, in written explanations, placed at 300,000 men ; the number of souls comprised in the aggrandizements which France sought for was 1,800,000 souls, according to French calculations, which, however, were not in accordance with the actual statistics.

Every one who is familiar with the more intimate diplomatic and military history of the year 1866 will see glimmering through these clauses the policy which France pursued simultaneously towards Italy (with whom she at the same time secretly negotiated), and subsequently towards Prussia and Italy.

In June 1866, after we had rejected the above scheme of alliance, notwithstanding several almost threatening warnings to accept it, the French Government began to speculate only on the victory of Austria, and the profit France might derive from her assistance to us in the case of our defeat, to which French policy was hence occupied to the utmost to pave diplomatically the way. That the Congress anticipated in the foregoing draft of alliance, and again proposed later, would have had the effect of causing our three months' alliance with Italy to expire without our having profited by it is well known to your Excellency, as is also the fact that France, in the further agreements with reference to Custozza, was busied in prejudicing our situation, and, if possible, bringing about our defeat. The "patriotic pang" of the Minister Rouher furnishes a comment upon the further course of events. Since that time France has not ceased leading us into temptation by offers at the expense of Germany and Belgium. I had never any doubt as to the impossibility of acceding to any such offers, but I considered it useful in the interest of peace to leave the French statesmen under these delusions peculiar to them as long as it was possible to do so without giving even a verbal assent to their propositions. I thought that the annihilation of the French hopes might endanger the preservation of peace, the maintenance of which was in the interest both of Germany and Europe. I was not of the opinion of those politicians who advised us not to shun by all the means in our power, a war with France, on the ground that such a war was in any case unavoidable. No one can so surely foresee the designs of Divine Providence ; and I look upon even a victorious war as an evil in itself which statesmanship must try to spare to nations.

I could not in my calculations leave out the possibility that, in the constitution and policy of France, changes might arise which would relieve the two great neighbouring countries from the necessity of war—a hope which was favoured by each postponement of the rupture. For these reasons I was silent about the proposition made, and treated them in a dilatory manner, without ever on my side giving even a promise. After the negotiations with His Majesty the King of the Netherlands for the purchase of Luxemburg were thwarted in the well-known way, the more extensive propositions, including Belgium and Southern Germany, were renewed to me. It was in this conjuncture that the communication of the Benedetti manuscript took place. That the French Ambassador should have, without the assent of his Sovereign, drawn up these propositions

* (Translation).—

1. In the event of a Congress to promote in concert the cession of Venetia to Italy, and the annexation of the Duchies to Prussia.

2. If the Congress comes to nothing, an offensive and defensive alliance.

3. The King of Prussia shall begin hostilities in ten days after the separation of the Congress.

4. If the Congress does not meet, Prussia shall attack in thirty days after the signature of the present Treaty.

5. The Emperor of the French shall declare war against Austria as soon as hostilities have commenced between Austria and Prussia (in thirty days 300,000).

6. No separate peace shall be made with Austria.

7. Peace shall be made on the following conditions :—Venetia to Italy. To Prussia, the German territories mentioned above (7,000,000 to 8,000,000 souls as selected), and federal reform in the Prussian sense. For France the territory between the Moselle and the Rhine, without Coblenz or Mayence, comprising 500,000 souls of Prussia, Bavaria on the right bank of the Rhine, Birkenfeld, Homburg, Darmstadt, 213,000 souls.

8. Military and Maritime Convention between France and Prussia from the date of signature.

9. Adhesion of the King of Italy.

with his own hand, have handed them to me, and negotiated repeatedly with me on the subject, modifying the passages of the text to which I had objected, is quite as improbable as was the statement on another occasion, that the Emperor Napoleon had not agreed to the demand for our surrendering Mayence, which was officially made to me in August 1866 by the French Ambassador, under threat of war in case of our refusal. The different phases of French discontent and warlike inclinations which we have gone through from 1866 to 1869, coincided almost exactly with the willingness or reluctance, which the French Agents expected to meet with on my part for such negotiations. In 1866, at the time when the Belgian railway affair was being prepared, it was intimated to me by a high personage, who was not a stranger to the former negotiation, that in case of a French occupation of Belgium, "*nous trouverions bien notre Belgique ailleurs.*" Similarly, on another occasion, I had been given to understand that, in a solution of the Eastern question, France would seek her own share, not in the far East, but close upon her boundaries. I am under the impression that it was only the definitive conviction that no enlargement of the frontiers of France was to be obtained with us, that has led the Emperor to the determination to strive to obtain it against us. I have even reason to believe that, if the publication in question had not taken place,—after the completion of the French and our own preparations for war,—propositions would have been made to us by France to carry out jointly, at the head of 1,000,000 armed men against unarmed Europe, the proposals formerly made to us: that is to say, before or after the first battle to conclude peace on the basis of the Benedetti proposals at the expense of Belgium.

Concerning the text of these proposals, I have to remark that the draft in our possession is from beginning to end from the hand of Count Benedetti, and written on the paper of the Imperial French Embassy, and that the Ambassadors and Ministers residing here of Austria, Great Britain, Russia, Baden, Bavaria, Belgium, Hesse, Italy, Saxony, Turkey, and Wurtemberg, who have seen the original, have recognized the handwriting. In Article I, Count Benedetti, at the very first reading, withdrew the closing passage, placing it in brackets, after I had remarked that it presupposed the interference of France in the internal affairs of Germany, which I, even in secret documents, could not admit. Of his own accord he made a less important marginal correction in Article II in my presence. On the 24th instant, I informed Lord Augustus Loftus verbally of the existence of the document in question, and on his expressing doubts invited him to a personal inspection of the same. On the 27th of this month he took cognizance of it, and convinced himself that it was in the handwriting of his former French colleague. If the Imperial Cabinet now denies tendencies for which it has sought since 1864, by varying promises and threats, to obtain our co-operation, this is easily to be explained in the presence of the political situation.

Your Excellency will be good enough to read this despatch to Earl Granville, and to deliver to him an English translation of it.

(Signed) VON BISMARCK.

No. 78.

Mr. Bonar to Earl Granville.—(Received August 2.)

My Lord,

Berne, July 29, 1870.

IN the reply of the French Government to the note addressed to it by the President of the Swiss Confederation (as reported in my despatch to your Lordship of the 18th instant) relative to the right of Switzerland to occupy with her forces, under certain eventualities, certain portions of the north of Savoy which by the Treaties of 1815 were comprised in the territory placed under the guarantee of Swiss neutrality, the Duc de Gramont has not rejected nor even contested the right so claimed by Switzerland. He confines himself to declaring that, under the eventualities referred to, it would have to be made the subject of special arrangement between the two Governments.

I have, &c.

(Signed) A. G. G. BONAR.

No. 79.

Mr. Bonar to Earl Granville.—(Received August 2.)

My Lord,

Berne, July 29, 1870.

I HAVE the honour to acquaint your Lordship that the several Governments of Bavaria, Wurtemberg, and Baden have, equally with those of France and North Germany, notified to the Swiss Federal Council their acceptance of the Convention of Geneva of 1864 for the amelioration of the treatment of the wounded in battle, together with the Additional Articles of 1868 as a *modus vivendi* to be observed during the present war.

I have, &c.

(Signed) A. G. G. BONAR.

No. 80.

Earl Granville to Lord Lyons.

(Extract.)

Foreign Office, August 2, 1870.

I HAVE received your Excellency's despatch of the 31st of July.*

Shortly after the receipt of your despatch I had a conversation on the subject, as I have already informed you by telegraph, with the French Ambassador, who read to me a despatch from the Duc de Gramont; and his Excellency added that he had understood my proposal as an offer to defend, in union with France, the neutrality of Belgium, in case it was violated by the other belligerent.

I replied that he had perfectly understood the meaning which Her Majesty's Government attached to the proposal, which was to the effect he had described.

I said that I was glad to learn that M. de Gramont had no objection to the proposal being also made at Berlin. The question of reserving the obligations of the former Treaty, and also for how long after the execution of the Articles of a Treaty of Peace between the belligerents the proposed Convention should remain in force, would be matter of discussion when framing the instrument.

No. 81.

Lord A. Loftus to Earl Granville.—(Received August 3.)

My Lord,

Berlin, July 30, 1870.

I HAVE seen a photographic copy of the original Treaty proposed by Count Benedetti to Count Bismarck, and will send a copy of it as soon as I receive it; but Count Bismarck could not give me one in time to forward by to-night's messenger.

This draft of Treaty is written entirely in Count Benedetti's handwriting. In reply to an observation made by some person that "Count Benedetti had written this draft at the dictation of Count Bismarck," his Excellency stated to me to-day that it is written on French paper, or, at all events, on paper which is not in use in the Prussian Foreign Office; and his Excellency observed that, if written in his room, under his dictation, Count Benedetti would not have brought his own sheet of paper with him.

The corrections made are in pencil, in the same handwriting as the text of the Treaty.

Count Bismarck informed me to-day that Count Benedetti brought the text with him and read it to him.

In Article I Count Bismarck observed that he took exception to the phrase by which the sanction and support of France was offered to Prussia for the maintenance of the Confederation of North Germany. The original text was as follows:—

"Sa Majesté l'Empereur des Français admet et reconnaît les acquisitions que la Prusse a faites à la suite de la dernière guerre qu'elle a soutenue contre l'Autriche et contre ses alliés [ainsi que les arrangements pris ou à prendre pour la constitution d'une Confédération dans l'Allemagne du Nord, s'engageant en même temps à prêter son appui à la conservation de cette œuvre]."

His Excellency said that Prussia could never be beholden to France for her future position in Germany, and that no German Minister could accept such a position. It was then that Count Benedetti consented to leave out this paragraph, and he put the parenthesis in pencil.

In Article II Count Bismarck observed to Count Benedetti that the King of Prussia could not be a party to persuade the King of Holland to cede the Grand Duchy of Luxemburg; and that the correction in this Article was then made by Count Benedetti in person.

Count Bismarck further stated that Count Benedetti left this draft in his hands to show it to the King, and forgot apparently to reclaim it.

Count Bismarck then added that he had always maintained the French Government in the delusive hopes of some arrangement being concluded in the sense of their proposals—in the interests of peace—being convinced that, if a decided negative were given, a rupture between France and Prussia would have been the immediate consequence.

He had hoped that, in the course of time, the French Government might have discovered the wisdom of abandoning these ambitious projects, and that war might thus be averted.

From the day when the French Government perceived that the hopes they had indulged in were illusory, their determination for war was taken.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 82.

Lord A. Loftus to Earl Granville.—(Received August 3.)

My Lord,

Berlin, July 30, 1870.

I HAVE the honour to inclose to your Lordship herewith, with a translation by Mr. Petre, an article from the "Nord Deutsche Zeitung," evidently of official inspiration, explaining the reasons why Count Bismarck has now published the Draft of Treaty proposed to Prussia by Count Benedetti, and why he withheld its publication until the present moment.

This article completely tallies with the language held to me by Count Bismarck. His Excellency stated to me on Sunday last that, in view of the statements put forward by the French Government (referring especially to that portion of the Duc de Gramont's circular despatch, in which he states that, in 1869, Count Benedetti had received the most positive assurances both from Count Bismarck and M. de Thile that there was no question of the candidature of the Prince of Hohenzollern for the Spanish Throne), he considered that he was no longer bound to maintain silence as regarded the ambitious projects and offers of France.

His Excellency at the same time referred to the question of Belgium. He considered that after the proofs now afforded of the intentions of France, Her Majesty's Government must acquire the conviction that the independence and integrity of Belgium can alone be maintained by their frank and cordial co-operation with Prussia. He observed that Belgium was of far greater importance to and was far more coveted by France than the left bank of the Rhine. To France, the rich coal- and iron-mines of Belgium bordering on her frontier, the commercial and strategical position of Antwerp, and the industrial wealth of Belgium offered far greater attractions than the Rhine Provinces. The population of the former was more purely French than that of the country bordering the Rhine, which was German both in regard to language and historical tradition, and had no wish to become a portion of "la grande nation." Your interest therefore, said his Excellency, is perhaps as much, if not more directly concerned in this question than ours.

His Excellency expressed his surprise, that in a question so important to England and to the rest of Europe, the policy of Great Britain should be one of complete abstention and apparent indifference. If France was now victorious, said his Excellency, who would then be enabled to arrest her progress or control her ambition? She would become the preponderating Power in Europe, and impose her will on all countries. England had now an opportunity which, if once lost, might not offer itself again, of playing a great and glorious part, and of rendering inestimable service to herself, and to Europe in after generations.

It is evident to me that Count Bismarck will use all his endeavours to obtain the co-operation of England, and he hopes, by representing the dangers by which Belgium is menaced, to work on public opinion in England, with a view to the eventual aid of Great Britain in the war against France.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 82.

Extract from the "Nord Deutsche Allgemeine Zeitung" of July 29, 1870.

(Translation.)

THE publication, in its actual extent, of the proposal made by Count Benedetti for an offensive and defensive Alliance between Prussia and France, has been blamed by the "Vossische Zeitung."

The Federal Chancellor ought to have published it to the nation sooner, as far back even as April 1, 1867, when Von Bennigsen put a question to him upon the Luxemburg affair.

We have but one observation to make with respect to the wish herein expressed, viz., that Count Bismarck on the day above mentioned was not yet in possession of it at the time, there is no doubt that the publication of a confidential communication of such a nature would have led to a rupture of diplomatic relations between France and North Germany, and to war between the two countries, and that Germany in the first year of her new birth required the blessings of peace to strengthen her.

Much greater discretion, moreover, is usually observed in the intercourse between the Governments of great nations with respect to confidential communications than the public may be disposed to admit. If an exception to this rule has been made in the present case, we have to observe that the unheard-of misrepresentation of Prussia's connection with the Hohenzollern candidature, of which the leading Statesmen of France were guilty, and entirely and utterly false, and hypocritical statements, which they have lately made, have distinctly challenged Germany to put all forbearance aside. Indiscreet lies undoubtedly justify the publication of the truth, regardless of the obligations of reserve.

If French diplomacy was sufficiently uninformed to abandon itself to the illusion that a German Minister, in the pursuit of a national policy, could ever place before himself the possibility of entertaining proposals such as those in Benedetti's draft of Treaty, it must submit also to having been suffered to amuse itself with a policy originating in such imperfect knowledge, and to having been left in its pleasing illusions as long as this amusement appeared to be conducive to the prolongation of peace. After some years, however, the most "borne" diplomacy arrives at the knowledge that the subject of its aspirations and demands is an impossibility, that it is striving in vain after a phantom. This now appears to be the case with France, and there is no doubt that the commencement of the warlike feeling in the Court circles of Paris dates from the time when this knowledge finally broke upon them.

The hope entertained by German statesmen that France might be "amused" with pursuing certain phantoms until the time came when France itself, by an alteration of the despotic constitution, a government might be established favourable to peace, and not disposed to covet the territory and property of its neighbours, has unfortunately by God's will not been fulfilled. Now that peace, however, no longer to be maintained, there is no longer occasion for concealing anything. Silence was dictated only by a hope of prolonging, and, if possible, of permanently maintaining peace.

In conclusion, we beg to observe that further disclosures may be at hand. Benedetti's draft is not the only document which exists relating to this question. Similar negotiations were commenced here by other organs of France—by Prince Napoleon, for instance. There was question among other things of French Switzerland, and an unmistakeable hint was let drop that they did not know at all in Piedmont where French territory ended and Italian territory began. For the present, *Sapienti sat*.

No. 83.

Lord A. Loftus to Earl Granville.—(Received August 3.)

My Lord,

Berlin, July 30, 1870.

IN my telegraphic despatches of the 24th and 28th instant I reported to your Lordship the information conveyed to me by Count Bismarck with reference to the chartering of English vessels at Newcastle to provision the French fleet in the North Sea with coal; the export of horses in large quantities to France, whilst difficulties were raised at Hull to the export of any horses destined for Germany; and, lastly, that contracts had been entered into with English houses at Birmingham and elsewhere to supply the French Government with cartridges to the amount of 300,000 per week.

Count Bismarck observed to me that these were not the acts of a friendly Government,

nor were they, indeed, in conformity with the position of strict neutrality taken by England towards the two belligerents.

As regarded the provisioning of the French fleet with coal by direct communication of English vessels with the fleet, his Excellency observed that this act was a violation of the English law. These vessels would come under the act of George III, referred to in the Royal Proclamation as "store" ships.

Coals were equally to be considered in the light of "stores," as well as provisions or other articles necessary for the maintenance of a blockading force.

The supply of actual munitions of war, such as cartridges, which were contraband of war, was equally, in the opinion of Count Bismarck, an infringement of honest neutrality, and portrayed a bias in favour of France.

His Excellency also alluded to the export of horses, which, under existing circumstances, was providing the enemy of Prussia with the means of carrying on war against a Power in amity with Great Britain.

Count Bismarck stated that the leniency of Her Majesty's Government in this matter had caused him deep regret, and that it was producing not only great irritation, but a feeling of indignation among all classes of the population towards England.

"It has always been my wish," said Count Bismarck to me to-day, "to maintain the most cordial relations with England, and I have ever been anxious that the same feeling of amity should bind together our respective nations. But if these acts of unfriendly feeling continue towards us, a soreness will arise on the part of the German nation which will not easily be removed. We are not in a position," said his Excellency, "like the Americans, to hold menacing language, or to take steps to protect our interests, but the injury to the good-feeling of the German nation towards England will not be the less great."

With reference to these questions I have had several conversations with Baron Thile and M. Delbrück. On the subject of coal, I have stated that we could not prohibit the exportation of an article which was destined for other than "war purposes," and the exportation of which, I believed, we had taken an engagement in our Commercial Treaty with France not to prohibit. The chartering of English vessels for the express purpose of provisioning the French fleet, and the delivery of the coals direct from those vessels on board French men of war in hostile naval operations against Prussia is undoubtedly a contravention of the neutrality which we are bound to observe between the belligerent parties.

On the two other points I have observed both to Baron Thile and M. Delbrück, that we were a manufacturing nation, and that orders for arms, &c., were being constantly received and executed by our manufacturers, without their knowing for what special use they were designated. Thus I instanced the case of the Kaffir and New Zealand wars, when it had been discovered that arms and ammunition had been supplied from England against our own forces.

We were ready, I observed, to give the same to Prussia as we gave to France, but it could scarcely be expected that because Prussia was not in want of an article we supplied to France, that our trade and industry should be exposed to loss or injury. I observed that the position of a neutral Power was always one of difficulty and delicacy, and it generally happened that it gave satisfaction to neither belligerents.

So it was in the time of the Crimean war, when munitions of war were forwarded in large quantities through Prussia to our enemy, and that the lead and saltpetre which Russia obtained by means of the transit trade through Prussia, reappeared in the Crimea in the shape of powder and balls against our troops.

Horses, although contraband of war, were also articles of trade. If, as mentioned by Baron Thile, difficulties have been raised to their shipment at Hull for a German port, it had probably been from other causes than those of prohibition of exportation.

I regret to say that these views were not participated in by Baron Thile or M. Delbrück. The feeling exists, and very generally, that Her Majesty's Government are more favourably inclined to France than to Prussia, and I much fear that this feeling will grow in intensity and will produce great irritation and indignation against England.

I have, &c.

(Signed)

AUGUSTUS LOFTUS.

Lord A. Loftus to Earl Granville.—(Received August 3.)

My Lord,

Berlin, July 30, 1870.

SEVERAL English gentlemen, representatives of the English press, having recently arrived at Berlin with the object of proceeding to the seat of war, and having applied to me to obtain the necessary permission for them from the Prussian authorities, I wrote a letter to M. de Thile, of which I have the honour to inclose a copy, requesting his Excellency to have the goodness to inform me whether the permission in question would be granted.

M. de Thile, in his reply, of which I have also the honour to inclose a copy, states that, in order to insure the utmost possible secrecy with respect to the movements of the Prussian armies, the Prussian Government considers it necessary to refuse to allow newspaper correspondents to be present at the seat of war.

I have informed the gentlemen for whom I made the application of the decision of the Prussian Government.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure 1 in No. 84.

Lord A. Loftus to Baron Thile.

M. le Baron,

Berlin, July 26, 1870.

SEVERAL English gentlemen have arrived here, and have applied to me to know whether they may be permitted to repair to the seat of war to act as correspondents for the several newspapers of which they are the representatives.

These gentlemen are the representatives of the "Standard," "Daily News," "Daily Telegraph," and the "Echo."

I shall be very much obliged to your Excellency to inform me, whether correspondents of the English press will receive permission to repair to the seat of war.

I profit, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure 2 in No. 84.

Baron Thile to Lord A. Loftus.

M. l'Ambassadeur,

Berlin, le 26 Juillet, 1870.

EN réponse à notre lettre de ce matin, j'ai l'honneur d'informer votre Excellence que le Gouvernement du Roi, pour empêcher autant que possible que l'ennemi soit informé de de nos mouvements militaires, se voit dans la nécessité de refuser aux correspondants des journaux l'admission sur le théâtre de la guerre. Si nous sommes bien informés, le Gouvernement Français vient de prendre une résolution analogue.

Agréez, &c.
(Signé) THILE.

(Translation.)

M. l'Ambassadeur,

Berlin, July 26, 1870.

IN reply to your letter of this morning, I have the honour to inform your Excellency that the Government of the King, in order to prevent as much as possible the enemy being informed of our military movements, is compelled to refuse to the newspaper correspondents admission to the theatre of war.

If we are rightly informed the French Government have just taken a similar resolution.

Accept, &c.
(Signed) THILE.

Lord A. Loftus to Earl Granville.—(Received August 3.)

My Lord,

Berlin, July 30, 1870.

I HAVE the honour to inclose the copy, accompanied by a French translation of it, which has been given in the "Correspondance de Berlin," of a Royal Proclamation, dated the 25th instant, in which the King of Prussia expresses his thanks for the numerous addresses and assurances of devotion which he has received since the declaration of war from Germans of all classes, at home and across the Atlantic.

I have, &c.

(Signed) AUGUSTUS A. LOFTUS.

Inclosure in No. 85.

Proclamation by the King of Prussia, dated July 25, 1870.

DE toutes les races qui habitent la patrie Allemande, de toutes les classes du peuple, en deçà comme au delà de l'Océan, j'ai reçu, de la part de communes, de corporations, de sociétés et de particuliers, à l'occasion de la lutte pour la défense de l'honneur et de l'indépendance de l'Allemagne qui va s'engager, des preuves si nombreuses de dévouement et d'abnégation que c'est pour moi un besoin de porter publiquement témoignage de cet accord des esprits Allemands et de joindre à l'expression de mon royal remerciement l'assurance que je rends au peuple Allemand fidélité pour fidélité et que je resterai constant dans mes sentiments.

L'amour pour la commune patrie et le soulèvement unanime des races Allemandes et de leurs Princes ont concilié toutes les opinions et fait disparaître toutes les dissidences. Unie comme elle ne l'a sans doute jamais été, l'Allemagne doit trouver dans son unanimité comme dans son droit la garantie que la guerre lui procurera une paix durable et que de cette sanglante semence sortira une moisson bénie de Dieu: la liberté et l'unité de l'Allemagne.

GUILLAUME.

Berlin, le 25 Juillet, 1870.

(Translation.)

FROM all the races inhabiting the German Fatherland, from all classes of the people, and from both sides of the Atlantic, I have received from communes, corporations, societies, and private individuals, on the occasion of the struggle which is about to take place in defence of the honour and the independence of Germany, such numerous proofs of devotion and abnegation that I feel the want of making a public recognition of this agreement of German minds, and to add to the expression of my royal thanks the assurance that I render to the German people fidelity for fidelity, and that I shall remain constant to my sentiments.

The love of the common Fatherland and the unanimous uprising of the German races, and of their Princes, have conciliated all opinions, and dissipated all disagreements. United as she has undoubtedly ever been, Germany must find in her unanimity, as in her right, the guarantee that the war will procure for her a durable peace, and that from this bloody seed will arise a harvest blessed by God—the liberty and unity of Germany.

(Signed) WILLIAM.

Berlin, July 25, 1870.

No. 86.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, August 3, 1870.

HER Majesty's Government were much surprised to learn from your Excellency's telegram of the 29th ultimo, that the North German Government had received information from Hull that, although no restriction was placed upon the exportation of horses to France, obstacles were opposed to their export to Prussia.

Though convinced that there could be no foundation for this complaint, I lost no time

in directing inquiries to be made, and in requesting Count Bernstorff to furnish me with any information on the subject that might be in his possession. I have not as yet received any reply from Count Bernstorff, nor have I been able to obtain from any other quarter any corroboration of the complaint.

Your Excellency's despatch of the 29th ultimo incloses a letter from a Mr. Robert Smith to a correspondent, apparently in Prussia, which had been sent to you by Baron Thile in support of his allegation; and it appears to be upon this vague communication, written by a person who admits that he has no special information on the subject, that Baron Thile has seen fit to found a formal complaint against Her Majesty's Government.

I have to request your Excellency to communicate to Baron Thile the substance of these observations, and to inform him that Her Majesty's Government have imposed no restriction, directly or indirectly, on the exportation of horses to the North German Confederation.

I am, &c.
(Signed) GRANVILLE.

No. 87.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, August 3, 1870.

HER Majesty's Government have learnt with much regret from your Excellency's despatches, and from the tone of the North German Press, that an impression exists in Germany that Great Britain is deviating from the attitude of neutrality which she has announced her resolution to observe by giving France facilities for obtaining certain articles useful to her for war purposes, such as munitions of war, horses, and coal, while such facilities are not accorded in an equal degree to the Allied German States.

It is not unnatural that, in a moment of excitement like the present, the German people should be more than ordinarily sensitive in watching the attitude of nations which are taking no part in the struggle, and it cannot be wondered at that they should for a time accept as facts unfounded rumours, and that they should somewhat hastily condemn as breaches of neutrality, proceedings which, at a calmer season, they would not hesitate to pronounce, with that impartiality of judgment for which they are distinguished, to be strictly in accordance with the usages of international law and comity.

Her Majesty's Government lost no time after the declarations of war had been exchanged, in announcing the determination of Great Britain to maintain a position of neutrality between the Contending Parties, and this position has been hitherto faithfully observed. It is not true that any facilities have been given, or any restrictions imposed, which are not equally applicable to both belligerents. The steps taken by Her Majesty's Government have been strictly in accordance with precedent and with the principles by which neutral nations, including Prussia herself, have been guided in recent wars. But Count Bismarck now appears to wish that Great Britain should go further, and that she should not only enjoin upon British subjects the obligations of neutrality, but that she should take it upon herself to enforce those obligations in a manner and to an extent wholly unusual. It is demanded that she should not only forbid, but absolutely prevent the exportation of articles contraband of war; that is to say, that she should decide herself what articles are to be considered as contraband of war, and that she should keep such a watch upon her ports as to make it impossible for such articles to be exported from them. It requires but little consideration to be convinced that this is a task which a neutral Power can hardly be called upon to perform. Different nations take different views at different times as to what articles are to be ranked as contraband of war, and no general decision has been come to on the subject. Strong remonstrances, for instance, are made by Count Bismarck against the export of coal to France; but it has been held by Prussian authors of high reputation that coal is not contraband, and that no one Power, either neutral or belligerent, can pronounce it to be so. But even if this point were clearly defined, it is beyond dispute that the contraband character would depend upon the destination; the neutral Power could hardly be called upon to prevent the exportation of such cargoes to a neutral port, and if this be the case, how could it be decided at the time of departure of a vessel, whether the alleged neutral destination were real or colourable? The question of the destination of the cargo must be decided in the Prize Court of a belligerent, and Prussia could hardly seriously propose to hold the British Government responsible whenever a British ship, carrying a contraband cargo should be captured while attempting to enter a French port.

Her Majesty's Government do not doubt that, when the present excitement has subsided, the German nation will give them credit for having honestly acted up to the duties of neutrality to the best of their power; and they are confirmed in this conviction by the recollection that, when Prussia was in the same position as that in which Great Britain now finds herself, her line of conduct was similar, and she found herself equally unable to enforce upon her subjects stringent obligations against the exportations even of unquestionable munitions of war. During the Crimean War arms and munitions were freely exported from Prussia to Russia, and arms of Belgian manufacture found their way to the same quarter through Prussian territory in spite of a Decree issued by the Prussian Government, prohibiting the transport of arms coming from Foreign States. Reflection upon these points may make the North German Government inclined to take a juster view of the position now occupied by Her Majesty's Government.

You will read this despatch to the North German Minister for Foreign Affairs; and it is my wish at the same time that you should give some publicity to the arguments contained in it, in order to counteract the unfounded irritation which appears to exist on account of supposed breaches of neutrality by Great Britain.

I am, &c.
(Signed) GRANVILLE.

No. 88.

Mr. Lumley to Earl Granville.—(Received August 3.)

My Lord,

Brussels, August 2, 1870.

I HAVE the honour to inclose copies of a written declaration addressed by the Duc de Gramont on the 16th July last to the Belgian Minister at Paris, of the determination of the French Government to respect the neutrality of Belgium during the war between France and Prussia as long as that neutrality is respected by Prussia, and of a declaration of a similar nature addressed by Count Bismarck to Baron Nothomb, the Belgian Minister at Berlin, on the 22nd ultimo (a declaration which Count Bismarck considers to be superfluous in the presence of existing Treaties), that the Confederation of Northern Germany and its allies will respect the neutrality of Belgium as long as it is respected by France.

I have, &c.
(Signed) J. SAVILE LUMLEY.

Inclosure 1 in No. 88.

The Duc de Gramont to Baron Beyens.

M. le Baron,

Paris, le 16 Juillet, 1870.

VOUS avez été autorisé à me faire savoir que le Gouvernement Belge a la ferme intention de rester fidèle aux principes de sa neutralité et d'en remplir scrupuleusement tous les devoirs pendant la durée de la guerre qui se prépare entre la Prusse et nous. Le Gouvernement de l'Empereur se félicite de cette déclaration, et, de son côté, conformément aux assurances verbales que j'ai déjà eu l'occasion de vous donner, il est résolu à respecter la neutralité du territoire Belge sous la condition qu'elle sera respectée par la Prusse et ses alliés. Je vous serai reconnaissant de transmettre le plus tôt possible cette communication au Cabinet de Bruxelles.

Agréé, &c.
(Signé) GRAMONT.

(Translation.)

M. le Baron,

Paris, July 16, 1870.

YOU have been authorized to make known to me that the Belgian Government has the firm intention of remaining faithful to the principles of its neutrality and to fulfil scrupulously all the duties of the same during the war which is about to take place between Prussia and us.

The Emperor's Government congratulates itself on this declaration, and on its side, in conformity with the verbal assurances which I have already had occasion to give you,

is resolved to respect the neutrality of the Belgian territory, on the condition that it is respected by Prussia and her allies.

I shall be grateful if you will transmit this communication as soon as possible to the Cabinet of Brussels.

Accept, &c.
(Signed) GRAMONT.

Inclosure 2 in No. 88.

Count Bismarck to Baron Nothomb.

M. le Ministre, *Berlin, le 22 Juillet, 1870.*

CONFIRMANT mes assurances verbales, j'ai l'honneur de vous donner par écrit la déclaration, surabondante en présence des Traités en vigueur, que la Confédération du Nord et ses alliés respecteront la neutralité de la Belgique, bien entendu qu'elle sera respectée par l'autre partie belligérante.

Agréé, &c.
(Signé) VON BISMARCK.

(Translation.)

M. le Ministre, *Berlin, July 22, 1870.*

IN confirmation of my verbal assurances I have the honour to give you in writing the declaration, superfluous as it is under existing Treaties, that the Northern Confederation and its allies will respect the neutrality of Belgium, provided it is respected by the other belligerent.

Accept, &c.
(Signed) VON BISMARCK.

No. 89.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, August 3, 1870.*

I APPROVE of your having communicated to Prince Metternich my despatch of the 30th ultimo, proposing a Convention with regard to the neutrality of Belgium, as reported in your Excellency's despatch of the 31st ultimo.*

I am, &c.
(Signed) GRANVILLE.

No. 90.

Earl Granville to Lord Lyons.

(Extract.) *Foreign Office, August 3, 1870.*

THE French Ambassador called upon me to-day, and without expressing any opinion of his own recurred to the despatch which he had received on the 1st of this month.

The substance of that despatch is as follows:—That, in regard to the proposal which your Excellency was instructed in my despatch of the 30th ultimo to make respecting the neutrality of Belgium, the two Cabinets were perfectly agreed upon the principle of Belgian neutrality, and that that of His Majesty the Emperor was ready to renew, if necessary, the assurances which they have already given in the most formal manner, which engagements were considered by his Government to be still binding.

The French Government, however, could not be blind to the fact that the Prussian Government had violated the Treaty of Prague, and that, in the eyes of Count Bismarck, might made right; and therefore should a Prussian force, in defiance of Treaty engagements, enter Belgian territory, and the Belgian army be unable to repel the invaders, the French forces could not await their attack on French soil, but would be compelled to enter Belgium in self-defence.

So far, however, as the French Government are concerned, they had expressed their determination to maintain the engagements which they have contracted, and are ready to enter into any fresh recognition of them which the Government of Her Majesty might propose.

The Marquis de Lavalette, however, pointed out that it might be considered that this second instrument might tend to the conclusion that the engagements which it was intended to confirm were no longer valid and equally binding on all the parties concerned; but that if Her Majesty's Government were still of opinion that such a course was desirable, his Excellency was authorized to state that his Government were prepared to come to an understanding on the subject.

I therefore assume that, after the explanation of our meaning which I gave on the 1st instant to the French Ambassador, and which I communicated to your Excellency upon the same day, the proposal is one which is acceptable to the Government of the Emperor.

I have informed the Marquis de Lavalette that under this impression, and in order to lose no unnecessary time, I would forward to your Excellency the inclosed draft of Convention for the consideration of the Imperial Government, with a view to its conclusion forthwith, should its language be found duly to express the intention of the two Governments.

Inclosure in No. 90.

Draft of Treaty between England and France respecting Belgium.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, being desirous at the present time of recording in a solemn Act their fixed determination to maintain the independence and neutrality of Belgium, as provided by the VIIth Article of the Treaty signed at London on the 19th of April, 1839, between Belgium and the Netherlands, which Article was declared by the Quintuple Treaty of 1839 to be considered as having the same force and value as if textually inserted in the said Quintuple Treaty, their said Majesties have determined to conclude between themselves a separate Treaty, which, without impairing or invalidating the conditions of the said Quintuple Treaty, shall be subsidiary and accessory to it, and they have accordingly named as their Plenipotentiaries for that purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c.

And His Majesty the Emperor of the French, &c.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

His Majesty the Emperor of the French having declared that, notwithstanding the hostilities in which France is now engaged with the North German Confederation, it is his fixed determination to respect the neutrality of Belgium so long as the same shall be respected by the North German Confederation; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on her part, declares that if during the said hostilities the armies of the North German Confederation should violate that neutrality, she will be prepared to co-operate with His Imperial Majesty for the defence of the same in such manner as may be mutually agreed upon, employing for that purpose her naval and military forces to ensure its observance; and to maintain, in conjunction with His Imperial Majesty, then and thereafter, the independence and neutrality of Belgium.

It is clearly understood that Her Majesty the Queen of the United Kingdom of Great Britain and Ireland does not engage herself by this Treaty to take part in any of the general operations of the war now carried on between France and the North German Confederation beyond the limits of Belgium, as defined in the Treaty between Belgium and the Netherlands of April 19, 1839.

ARTICLE II.

His Majesty the Emperor of the French agrees on his part, in the event provided for in the foregoing Article, to co-operate with Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, employing his naval and military forces for the

purpose aforesaid, and, the case arising, to concert with Her Majesty the measures which shall be taken separately or in common to secure the neutrality and independence of Belgium.

ARTICLE III.

This Treaty shall be binding on the High Contracting Parties during the continuance of the present war between France and the North German Confederation, and for twelve months after the ratification of any Treaty of Peace concluded between those parties; and on the expiration of that time the independence and neutrality of Belgium will, so far as the High Contracting Parties are respectively concerned, continue to rest as heretofore on the 1st Article of the Quintuple Treaty of the 19th of April, 1839.

ARTICLE IV.

The present Treaty shall be ratified.

No. 91.

Sir A. Buchanan to Earl Granville.—(Received August 3.)

(Extract.)

St. Petersburg, July 25, 1870.

M. DE WESTMANN has assured me, with reference to reports of warlike preparations in Russia, that the Emperor declared to him, on the 23rd instant, that not only had no concentration of troops taken place in any part of the Empire, but that not a man would be moved while Austria remained equally inactive, and no insurrectionary movements took place in Poland.

No. 92.

Sir A. Buchanan to Earl Granville.—(Received August 3.)

My Lord,

St. Petersburg, July 26, 1870.

PRINCE GORTCHAKOFF is expected here towards the end of this week, it having been deemed inexpedient that he should remain longer at Wildbad or be absent from St. Petersburg.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 93.

Earl Granville to Sir A. Buchanan.

Sir,

Foreign Office, August 4, 1870.

WITH reference to my despatch of the 30th July, inclosing a copy of a despatch which I had addressed to Her Majesty's Ambassadors at Paris and Berlin, containing a proposal to be made to the French and Prussian Governments respectively, with a view to afford additional security for the independence and neutrality of Belgium, and to my telegram of the 1st instant on the same subject, I have to acquaint your Excellency that, although they have not yet heard from Prussia on the subject, Her Majesty's Government have some reason to suppose that the overtures will be accepted by France, and they have accordingly reduced it into the form of a draft Treaty which they have communicated to the French and Prussian Governments, and a copy of which I inclose to your Excellency for communication to Prince Gortchakoff.*

I am, &c.

(Signed) GRANVILLE.

* Inclosure in No. 90.

No. 94.

Count Bismarck to Count Bernstorff.—(Communicated to Earl Granville by Count Bernstorff, August 4.)

(Telegraphic.)

Magence, August 3, 1870.

IN consequence of the publication of the Duc de Gramont's despatch of the 27th of July, I request your Excellency to declare the following to Lord Granville:—

I have never had an opportunity of having with M. Lefèvre de Béhaine, the Secretary of the French Embassy, any political conversations of such importance as he describes them now in order to please his chief. At Brünn this would not even have been possible, as, during my stay there, M. Lefèvre was absent, having been sent by his chief to Vienna. The idea attributed to me, to pave the way for the annexation of Belgium to France by preparatory means, has never been uttered by me; but has, on the contrary, been suggested to me by Prince Napoleon.

(Signed) BISMARCK.

No. 95.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, August 4, 1870.

WITH reference to my despatch to your Excellency of the 30th ultimo, in which it was suggested that the Governments of Great Britain and North Germany should jointly record in a solemn act, either Treaty or Protocol, their common determination to maintain the neutrality of Belgium, I inclose to you herewith a draft of Articles which Her Majesty's Government would be prepared to sign with the Government of North Germany, with the view of securing that neutrality. You will communicate to Count Bismarck these Articles, a copy of which has been given to Count Bernstorff.

The matter is so pressing that Her Majesty's Government have not thought it desirable to incur the delay which would result from awaiting the answer of the North German Government to the overture made in my despatch of the 30th ultimo, whether such answer should be made either through your Excellency or Count Bernstorff.

A copy of the Articles has been given to the French Ambassador, and a copy is sent to-night to Lord Lyons for communication to the French Government.

I am, &c.

(Signed) GRANVILLE.

Inclosure in No. 95.

Draft of Treaty between England and Prussia respecting Belgium.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Prussia, being desirous at the present time of recording in a solemn act their fixed determination to maintain the independence and neutrality of Belgium, as presided in the Seventh Article of the Treaty signed at London on the 19th of April, 1839, between Belgium and the Netherlands, which Article was declared by the Quintuple Treaty of 1839 to be considered as having the same force and value as if textually inserted in the said Quintuple Treaty, their said Majesties have determined to conclude between themselves a separate Treaty, which, without impairing or invalidating the conditions of the said Quintuple Treaty, shall be subsidiary and accessory to it; and they have accordingly named as their Plenipotentiaries for that purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., &c.

And His Majesty the King of Prussia, &c., &c.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

His Majesty the King of Prussia having declared that, notwithstanding the hostilities in which the North German Confederation is engaged with France, it is his fixed determination to respect the neutrality of Belgium, so long as the same shall be respected by France, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland on her part declares that, if during the said hostilities the armies of France should violate that neutrality, she will be prepared to co-operate with His Prussian Majesty for the defence of the same in such manner as may be mutually agreed upon, employing for that purpose her naval and military forces to insure its observance and to maintain, in conjunction with His Prussian Majesty, then and thereafter, the independence and neutrality of Belgium.

It is clearly understood that Her Majesty the Queen of the United Kingdom of Great Britain and Ireland does not engage herself by this Treaty to take part in any of the general operations of the war now carried on between the North German Confederation and France, beyond the limits of Belgium as defined in the Treaty between Belgium and the Netherlands of April 19, 1839.

ARTICLE II.

His Majesty the King of Prussia agrees on his part, in the event provided for in the foregoing Article, to co-operate with Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, employing his naval and military forces for the purpose aforesaid; and, the case arising, to concert with Her Majesty the measures which shall be taken, separately or in common, to secure the neutrality and independence of Belgium.

ARTICLE III.

This Treaty shall be binding on the High Contracting Parties during the continuance of the present war between the North German Confederation and France, and for twelve months after the ratification of any Treaty of Peace concluded between those Parties; and on the expiration of that time the independence and neutrality of Belgium will, so far as the High Contracting Parties are respectively concerned, continue to rest as heretofore on the 1st Article of the Quintuple Treaty of the 19th of April, 1839.

ARTICLE IV.

The present Treaty shall be ratified, &c.

No. 96.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, August 4, 1870.

WITH reference to my despatch of yesterday,* I have to inform you that I learn, by official reports furnished to me by the Treasury, that whereas, during the last five months, 270 horses have been exported from Hull to Hamburg, no horses at all have been exported from that port to France.

As regards the general returns from the various ports of the United Kingdom, the returns show that, during the past month, the exports of horses have been small, but that more have been sent to German, Belgian, and Dutch ports than to French ports.

I am, &c.

(Signed) GRANVILLE.

No. 97.

Earl Granville to Mr. Lumley.

Sir,

Foreign Office, August 4, 1870.

HER Majesty's Government being anxious that the present war should not have any prejudicial effect upon the independence and neutrality of Belgium, have thought that one means for securing that object might be found in an identic, though separate, engagement, to be entered into by Great Britain with Prussia and France, under which she would specially

undertake towards each of those Powers to unite with either of them, in case of need, in opposing the violation by the other of Belgian independence and neutrality.

Her Majesty's Government have thought it best not to make the Belgian Government acquainted with the measures they were taking, until the negotiations had assumed a more or less definitive form; but now that, although they have not had a reply from the North German Government, they have some reason to suppose that the overture will be accepted by the French Government, they have reduced their proposal into the form of a draft Treaty, which they have communicated to the two Governments, and which they have no longer any scruple in communicating confidentially to the Belgian Government. I accordingly inclose a copy,* which you will communicate confidentially to Baron d'Anéthan.

I am, &c.

(Signed) GRANVILLE.

No. 98.

Lord A. Loftus to Earl Granville.—(Received August 5.)

My Lord,

Berlin, August 1, 1870.

I HAVE the honour to report to your Lordship that the King of Prussia, accompanied by Prince Charles of Prussia, Count Bismarck, and his military Cabinet and staff, left Berlin yesterday evening for Mayence to join the army.

I have the honour to inclose a translation, by Mr. O'Connor, of a Proclamation addressed by His Majesty to his people on the eve of his departure.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 98.

Extract from the "Kreuz Zeitung" of August 2, 1870.

(Translation.)

Proclamation of King of Prussia on his departure from Berlin.

To my People,

ON leaving to-day to join the army to fight for the honour of Germany and the preservation of our most valued treasures, I grant, in consideration of the unanimous co-operation of my people in this work, an amnesty for political crimes and misdemeanours. I have directed the Ministry of State to prepare a Decree in this sense.

My people know with me that the breach of the peace and hostilities have not emanated from us.

But challenged, we are determined, after the example of our fathers, and with full trust in God, to accept the combat for the delivery of the Fatherland.

Berlin, July 31, 1870.

(Signed)

WILHELM.

No. 99.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, August 5, 1870.

COUNT BERNSTORFF, in an interview which I had to-day with his Excellency, informed me that he had received a telegram from Count Bismarck, who states that the proposal of Her Majesty's Government respecting the conclusion of an Act to record and secure the independence of Belgium had not yet reached him; but that, although he had not the proposal before him, he was ready to say, generally, that Prussia was prepared to take part in any Act which might strengthen the neutrality of Belgium. He added, however, that he foresaw that that neutrality would only be respected so long as the German armies had not sustained a defeat. If it were meant by the proposal that if, in case of France attacking Prussia through Belgium, whilst the latter had respected her neutrality, the army and fleet of England would be on the spot in time to aid Prussia to

* Inclosure in No. 90.

repair the losses which she had sustained in consequence of her fidelity to Treaties, Count Bismarck was of opinion that those were military considerations on which he could not at present decide.

I am, &c.
(Signed) GRANVILLE.

No. 100.

Lord Lyons to Earl Granville.—(Received August 6.)

(Extract.)

Paris, August 5, 1870.

THE Duc de Gramont on receiving from me the draft of the proposed Convention for securing the neutrality of Belgium informed me that he would immediately consult his colleagues and take the orders of the Emperor on the subject.

No. 101.

Earl Granville to Lord Lyons.

(Extract.)

Foreign Office, August 6, 1870.

HER Majesty's Government desire to offer through your Excellency to the French Government the following explanations of their understanding with regard to certain points contained in the draft Treaty:—

1. Her Majesty's Government are of opinion that in no case arising out of the Treaty shall the forces of either of the Contracting Parties occupy any of the fortresses of Belgium without previous concert with each other.

2. Her Majesty's Government understand that the territory of Belgium shall be immediately evacuated by all foreign troops whatsoever at the conclusion of a peace.

3. Her Majesty's Government have proposed that this Treaty shall continue in force for twelve months after a Treaty of Peace has been ratified, solely with a view to giving a reasonable time for the execution of the Articles of such Treaty.

No. 102.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, August 6, 1870.

COUNT BERNSTORFF acquainted me last night that he had received a telegram from Count Bismarck in reply to the communication which he had made to his Excellency in the same manner of the Draft Treaty respecting the neutrality of Belgium, of which a copy was transmitted to you in my despatch of the 4th instant.*

I have to instruct your Excellency to state to the Prussian Government that the readiness with which His Prussian Majesty has accepted their proposal has been learned by Her Majesty's Government with great satisfaction.

There are some observations which Her Majesty's Government desire to offer through your Excellency to that of Prussia, in explanation of their understanding with regard to certain points arising out of the proposed Treaty:—

1. Her Majesty's Government are of opinion that in no case arising under this Treaty shall the forces of either of the Contracting Parties occupy any of the fortresses of Belgium without previous concert with each other.

2. Her Majesty's Government understand that the territory of Belgium shall be immediately evacuated by all foreign troops whatsoever at the conclusion of peace.

3. Her Majesty's Government have proposed that the Treaty shall continue in force for twelve months after a Treaty of Peace has been ratified, solely with a view to giving a reasonable time for the execution of the Articles of such Treaty.

I am, &c.
(Signed) GRANVILLE.

No. 103.

M. de Lavalette to Earl Granville.—(Received August 5.)

M. le Comte,

Londres, le 3 Août, 1870.

M. LE COMTE DE BISMARCK a fait remettre à tous les Gouvernements une copie de la Circulaire, en date du 19 Juillet dernier, dans laquelle il s'est efforcé de présenter sous un jour favorable à la Prusse les faits qui ont amené la guerre, et, en particulier, les divers incidents de la négociation d'Ems.

Afin que le Gouvernement de la Reine puisse contrôler en pleine connaissance de cause la valeur des assertions de M. de Bismarck, M. le Ministre des Affaires Etrangères me prie de transmettre à votre Excellence copie de sa dépêche en date du 24 Juillet dernier, contenant la réfutation des arguments produits par le document Prussien.

J'ai, en conséquence, l'honneur de vous adresser ci-joint copie de cette pièce ; et je saisis, &c.

(Signé) LAVALETTE.

(Translation.)

M. le Comte,

London, August 3, 1870.

COUNT BISMARCK has transmitted a copy of the Circular dated the 19th July last to all the Governments, in which he takes pains to bring forward in a favourable light to Prussia the facts which produced the war, and particularly the different incidents of the negotiations at Ems.

In order that Her Majesty's Government may be able, when fully acquainted with the case, to estimate the value of the assertions of M. de Bismarck, the Minister for Foreign Affairs begs me to transmit to your Excellency a copy of his despatch dated the 24th July last, containing a refutation of the arguments brought forward by the Prussian document.

I have, consequently, the honour to transmit to you the subjoined copy of that despatch, and I have, &c.

(Signed) LAVALETTE.

Inclosure in No. 103.

The Duc de Gramont to M. de Lavalette, July 24, 1870.

[See Inclosure in No. 41.]

No. 104.

M. de Lavalette to Earl Granville.—(Received August 6.)

M. le Comte,

Londres, le 5 Août, 1870.

M. LE MINISTRE DES AFFAIRES ETRANGERES m'invite à faire parvenir à votre Excellence une copie de la circulaire qu'il vient de m'adresser, et par laquelle il répond à la récente dépêche de M. le Comte de Bismarck, relative aux prétendues propositions que le Gouvernement de l'Empereur aurait fait au Cabinet de Berlin en vue de s'assurer la possession de la Belgique.

J'ai l'honneur de transmettre ci-joint à votre Excellence copie de ce document.

Veuillez, &c.

(Signé) LAVALETTE.

(Translation.)

M. le Comte,

London, August 5, 1870.

THE Minister for Foreign Affairs requests me to transmit to your Excellency a copy of the circular which he has just addressed to me, and in which he replies to the recent despatch of Count Bismarck relative to the pretended proposals which the Government of the Emperor is supposed to have made to the Cabinet of Berlin with a view of obtaining possession of Belgium.

I have the honour to transmit herewith to your Excellency a copy of this document.

Receive, &c.

(Signed) LAVALETTE.

Circular Despatch addressed by the Duc de Gramont to French Representatives abroad.

Monsieur,

Paris, le 4 Août, 1870.

NOUS connaissons aujourd'hui le développement du télégramme adressé par M. le Comte de Bismarck à l'Ambassadeur de Prusse à Londres, pour annoncer à l'Angleterre les prétendus secrets dont le Chancelier Fédéral se disait le dépositaire. Sa dépêche n'ajoute aucun fait essentiel à ceux qu'il avait avancés. Nous y trouvons seulement quelques invraisemblances de plus. Nous ne les relèverons pas. L'opinion publique a déjà fait justice d'affirmations qui n'empruntent aucune autorité à l'audace avec laquelle on les répète, et nous considérons comme définitivement acquis, en dépit de toute dénégation, que jamais l'Empereur Napoléon n'a proposé à la Prusse un Traité pour prendre possession de la Belgique. Cette idée appartient à M. de Bismarck ; c'était un des expédients de cette politique sans scrupules qui, nous l'espérons, touche à son terme.

Je m'abstiendrais donc de revenir sur des assertions dont la fausseté est aujourd'hui manifeste, si l'auteur de la dépêche Prussienne, avec une absence de tact que je constate pour la première fois à ce degré dans un document diplomatique, n'avait cité des parents de l'Empereur comme porteurs de messages et de confidences compromettantes. Quelle que soit la répugnance avec laquelle je me vois contraint, pour suivre le Chancelier Prussien, de m'engager dans une voie si contraire à mes habitudes, je surmonte ce sentiment parce qu'il est de mon devoir de repousser les perfides insinuations qui, dirigées contre des membres de la famille Impériale, cherchent évidemment à atteindre l'Empereur lui-même.

C'est à Berlin que M. de Bismarck, prenant l'initiative des idées dont il veut aujourd'hui nous attribuer la première conception, sollicitait en ces termes le Prince Français qu'il fait, au mépris de toutes les convenances, intervenir aujourd'hui dans sa polémique :

“ Vous cherchez,” lui disait-il, “ une chose impossible ; vous voulez prendre les provinces du Rhin, qui sont Allemandes. Pourquoi ne pas vous adjoindre la Belgique, où existe un peuple qui a la même origine, la même religion, et qui parle la même langue ? J'ai déjà fait dire cela à l'Empereur ; s'il entrait dans mes vues, nous l'aiderions à prendre la Belgique. Quant à moi, si j'étais le maître et que je ne fusse pas gêné par l'entêtement du Roi, cela serait déjà fait.”

Ces paroles du Chancelier Prussien ont été pour ainsi dire littéralement répétées à la Cour de France par le Comte de Goltz. Cet Ambassadeur s'en cachait si peu que le nombre est considérable des témoins que l'ont entendu. J'ajouterai qu'à l'époque de l'Exposition Universelle les ouvertures de la Prusse furent connues de plus d'un haut personnage, qui en prit bonne note et s'en souvient encore. Ce n'était pas d'ailleurs chez le Comte de Bismarck une idée passagère, mais bien un projet concerté, auquel se rattachaient ses plans ambitieux, et il en poursuivait l'exécution avec une persévérance que prouvent assez ses nombreuses excursions en France, soit à Biarritz, soit ailleurs. Il échoua devant la volonté inébranlable de l'Empereur, qui refusa toujours de s'associer à une politique indigne de sa loyauté.

Je quitte maintenant ce sujet, que j'ai abordé pour la dernière fois avec la ferme intention de n'y plus revenir, et j'arrive au point véritablement nouveau de la dépêche de M. de Bismarck :—

“ J'ai lieu de croire,” dit-il, “ que si la publication du projet de Traité n'avait pas eu lieu, la France nous aurait fait, après l'achèvement de nos armements mutuels, l'offre de mettre à exécution les propositions qu'elle nous avait faites antérieurement, dès que nous nous serions trouvés ensemble à la tête d'un million de soldats bien armés, en face de l'Europe non armée, c'est-à-dire, de faire la paix avant ou après la première bataille sur la base des propositions de M. Benedetti, aux dépens de la Belgique.”

Il ne saurait convenir au Gouvernement de l'Empereur de tolérer une pareille assertion. A la face de l'Europe, les Ministres de Sa Majesté mettent M. de Bismarck au défi d'alléguer un fait quelconque pouvant faire supposer qu'ils aient manifesté directement ou indirectement, par la voie officielle ou par le canal d'agents secrets, l'intention de s'unir à la Prusse pour accomplir avec elle sur la Belgique l'attentat consommé sur le Hanovre.

Nous n'avons ouvert aucune négociation avec M. de Bismarck, ni sur la Belgique, ni sur tout autre sujet. Bien loin de chercher la guerre, comme on nous en accuse, nous avons prié Lord Clarendon d'intervenir auprès du Ministre Prussien pour provoquer un désarmement réciproque,—mission importante dont Lord Clarendon, par amitié pour la France et par dévouement aux idées de paix, consentit à se charger confidentiellement.

Voici en quels termes M. le Comte Daru, dans une lettre du 1 Février, expliquait les intentions du Gouvernement à M. le Marquis de Lavalette, notre Ambassadeur à Londres :—

“ Il est certain que je ne mêlerais point de cette affaire, et que je ne demanderais pas à l'Angleterre de s'en mêler, s'il s'agissait purement et simplement d'une démarche banale et de pure forme, faite uniquement pour fournir à M. de Bismarck l'occasion d'exprimer une fois de plus son refus. C'est une démarche ferme, sérieuse, positive, qu'il s'agit de faire.

“ Le Principal Secrétaire d'Etat semble prévoir que M. de Bismarck éprouvera un premier mouvement de mécontentement et d'humeur. Cela est possible, mais non certain. Dans cette prévision il est peut-être bon de préparer le terrain, de manière à éviter une réponse négative dès le début.

“ Je suis convaincu que la réflexion et le temps amèneront le Chancelier à prendre en sérieuse considération la démarche de l'Angleterre ; si dès le premier jour, il n'a pas repoussé toute ouverture, l'intérêt de la Prusse et l'Allemagne entière parlera bien vite assez haut pour adoucir ses résistances. Il ne voudra pas soulever contre lui l'opinion de son pays tout entier. Quelle serait sa position, en effet, si nous lui ôtions le seul prétexte derrière lequel il puisse se réfugier, à savoir, l'armement de la France ? ”

Le Comte de Bismarck répondit d'abord qu'il ne pouvait prendre sur lui de faire part au Roi des suggestions du Gouvernement Britannique, et qu'il était assez au courant de la manière de voir de son Souverain pour pressentir ses impressions. Le Roi Guillaume verrait certainement, disait-il, dans la démarche du Cabinet de Londres, la preuve d'un changement dans les dispositions de l'Angleterre à l'égard de la Prusse. En résumé, le Chancelier Fédéral déclarait “ qu'il était impossible à la Prusse de modifier un système militaire entré si profondément dans les traditions du pays, qui formait une des bases de sa Constitution, et n'avait rien que de normal.”

M. le Comte Daru ne s'arrêta point devant cette première réponse. Le 13 Février il écrivait à M. de Lavalette :—

“ J'espère que Lord Clarendon ne se tiendra pas pour battu et ne se découragera pas. Nous lui donnerons prochainement l'occasion de revenir à la charge, si cela lui convient, et de reprendre la conversation interrompue avec le Chancelier Fédéral. Notre intention est, en effet, de diminuer notre contingent ; nous l'aurions diminué beaucoup si nous avions obtenu une réponse favorable du Chancelier de la Confédération du Nord ; nous le diminuerons moins, puisque la réponse est négative, mais nous le diminuerons. La réduction sera, j'espère, de 10,000 hommes ; c'est le chiffre que je proposerai.

“ Nous affirmerons de la sorte par les actes, qui valent toujours mieux que les paroles, nos intentions, notre politique. Neuf contingents, réduits de 10,000 hommes chacun, font une diminution totale de 90,000 hommes. C'est déjà quelque chose, c'est un dixième de l'armée existante ; je regrette de ne pouvoir faire plus. La loi du contingent sera déposée prochainement. Lord Clarendon jugera alors s'il est à propos de représenter à M. de Bismarck que le Gouvernement Prussien, seul en Europe, ne fait point de concession à l'esprit de paix, et qu'il se place ainsi dans une situation grave au milieu des sociétés Européennes, pour qu'il donne des armes contre lui à tout le monde, y compris les populations accablées sous le poids des charges militaires qu'il leur impose.”

Le Comte de Bismarck, vivement pressé, crut nécessaire d'entrer dans quelques explications nouvelles avec Lord Clarendon.

Ces explications, telles que nous les connaissons par une lettre de M. de Lavalette en date du 23 Février, étaient pleines de réticences. Le Chancelier de la Confédération Prussienne, revenant sur sa première résolution, avait entretenu le Roi Guillaume de la proposition recommandée par l'Angleterre ; mais Sa Majesté l'avait déclinée. A l'appui de ce refus, le Chancelier alléguait la crainte d'une alliance éventuelle de l'Autriche avec les Etats du Sud de l'Allemagne, et les vellétés d'agrandissement que pourrait avoir la France. Mais il mettait en avant surtout les préoccupations que lui inspirait, disait-il, la politique de la Russie, et s'engageait, à ce propos, dans des considérations particulières sur la Cour de Pétersbourg, que je préfère passer sous silence, ne pouvant me résoudre à reproduire des insinuations blessantes.

Celles sont les fins de non-recevoir que le Comte de Bismarck opposait aux loyales et consciencieuses instances renouvelées itérativement par Lord Clarendon, à la demande du Gouvernement de l'Empereur.

Si donc l'Europe est restée en armes, si un million d'hommes sont à la veille de se heurter sur les champs de bataille, il n'est plus permis de le contester, la responsabilité d'un tel état de choses appartient à la Prusse, car c'est elle qui a repoussé toute idée de désarmer lorsque nous lui en faisions parvenir la proposition et que nous commencions par en donner l'exemple.

Cette conduite ne s'explique-t-elle pas d'ailleurs par le fait qu'à l'heure même où la

France confiante diminuait son contingent, le Cabinet de Berlin organisait dans l'ombre la candidature provocatrice d'un Prince Prussien ?

Quelles que soient les calomnies inventées par le Chancelier Fédéral, nous sommes sans crainte ; il a perdu le droit d'être cru. La conscience de l'Europe et l'histoire diront que la Prusse a cherché la guerre actuelle, en infligeant à la France, préoccupée du développement de ses institutions politiques, un outrage qu'aucune nation fière et courageuse n'aurait pu accepter sans mériter le mépris des peuples.

(Translation.)

Sir,

Paris, August 3, 1870.

WE now know the full meaning of the telegram addressed by Count Bismarck to the Prussian Ambassador in London to announce to England the pretended secrets of which the Federal Chancellor alleged that he was the depository. His despatch adds no material fact to those which he has already put forth. We only find in it a few more improbabilities. We shall not attempt to point them out. Public opinion has already done justice to affirmations which derive no authority from the audacity with which they are repeated, and we regard it as completely established, notwithstanding all denials, that never has the Emperor Napoleon proposed to Prussia a Treaty for taking possession of Belgium. That idea is the property of M. de Bismarck. It is one of the expedients of that unscrupulous policy which we trust is now approaching its end.

I should, therefore, have abstained from reverting to assertions which have been proved to be false, if the author of the Prussian despatch, with a want of tact which I notice in so marked a degree for the first time in a diplomatic document, had not mentioned relatives of the Emperor as having been bearers of compromising messages and confidences. Whatever repugnance I may feel at being compelled to follow the Prussian Chancellor, and to engage myself in a manner so contrary to my habits, I overcome that feeling, because it is my duty to repudiate perfidious insinuations, which, directed against members of the Imperial family, are evidently intended to apply to the Emperor himself.

It was at Berlin that M. de Bismarck, originating ideas the first conception of which he now seeks to impute to us, solicited in these terms the French Prince whom, in defiance of all customary rules, he now seeks to draw into the controversy :—

"You desire," said he, "an impossible thing. You wish to take the Rhenish provinces, which are German. Why do you not annex Belgium, where the people have the same origin, the same religion, and the same language as yourselves? I have already caused that to be mentioned to the Emperor ; if he entered into my views, we would assist him to take Belgium. As for myself, if I were the master and I were not hampered by the obstinacy of the King, it would be already done."

These words of the Prussian Chancellor have been, so to speak, literally repeated to the Court of France by the Comte de Goltz. That Ambassador was so little reticent upon the subject that there are many witnesses who have heard him thus express himself. I will add that at the period of the Universal Exhibition the overtures of Prussia were known to more than one high personage, who took note of them and still remembered them. Moreover, it was not a mere passing notion with Count Bismarck, but truly a concerted plan with which his ambitious schemes were connected, and he pursued his attempts to carry them out with a perseverance which is amply attested by his repeated excursions to France, to Biarritz, and elsewhere. He failed before the immovable will of the Emperor, who always refused to connect himself with a policy that was unworthy of his loyalty.

I now quit the subject, which I have touched upon for the last time, with a firm intention of never again recurring to it, and I come to the really new point in M. Bismarck's despatch :—

"I have reason to believe," he says, "that if the publication of the projected Treaty had not occurred, France would have made us an offer—after our mutual armaments had been completed—to carry out the proposition which she had previously made to us, as soon as we found ourselves at the head of 1,000,000 of well-armed soldiers, in the face of unarmed Europe ; that is to say, to make peace before or after the first battle, upon the basis of M. Benedetti's propositions at the expense of Belgium."

The Emperor's Government cannot allow such an assertion to pass without notice. In the face of all Europe, His Majesty's Ministers defy M. de Bismarck to adduce any fact whatever to justify a belief that they have ever manifested, directly or indirectly, officially or by secret agency, an intention of uniting with Prussia to accomplish together in respect of Belgium the deed she has consummated in respect of Hanover.

We have opened no negotiation with M. de Bismarck either concerning Belgium or

any other subject. Far from seeking war, as we have been accused of doing, we besought Lord Clarendon to interpose with the Prussian Cabinet, with a view to a mutual disarmament,—an important mission which Lord Clarendon, through friendship towards France and devotion to the cause of peace, consented confidentially to undertake. It was on these terms that Comte Daru, in a letter of the 1st of February, explained to the Marquis de Lavalette, our Ambassador in London, the intentions of the Government:—

“It is certain that I should not mix myself up with this affair, nor should I ask England to interfere in it if the question was one simply of an ordinary and purely formal nature, intended only to afford M. de Bismarck an opportunity to repeat once again his refusal. It is a real, serious, positive proposition, which it is sought to act upon.

“The Principal Secretary of State appears to anticipate that M. de Bismarck will at first manifest dissatisfaction and displeasure. That is possible, but not certain. With that possibility in view, it will be well to prepare the ground in such a manner as to avoid at the outset a negative reply.

“I am convinced that time and reflection will induce the Chancellor to take into his serious consideration the proposition of England. If at first he does not reject all overtures, then the interests of Prussia and of all Germany will speedily speak out sufficiently to lead him to modify his opposition. He would not be willing to raise against himself the opinion of his entire country. What, indeed, would be his position if we took away the sole pretext upon which he relies, that is, the armament of France?”

Count Bismarck at first replied that he could not take upon himself to submit the suggestions of the British Government to the King, and that he was sufficiently acquainted with the views of his Sovereign to foretell his decision. King William, he said, would certainly see in the proposition of the Cabinet of London a change in the disposition of England towards Prussia. In short, the Prussian Chancellor declared “that it was impossible for Prussia to modify a military system which was so closely connected with the traditions of the country, which formed one of the bases of its constitution, and which was in no way abnormal.”

Comte Daru was not checked by this first reply. On the 13th of February he wrote to M. de Lavalette:—

“I hope that Lord Clarendon will not consider himself beaten nor be discouraged. We will shortly give him an opportunity of returning to the charge, if it should be agreeable to him, and to resume the interrupted communication with the Federal Chancellor. Our intention is, in fact, to diminish our contingent. We should largely have reduced it if we had received a favourable reply from the Federal Chancellor. We shall make a smaller reduction, as the reply is in the negative; but we shall reduce. The reduction will, I hope, be 10,000 men; that is the number I should propose.

“We shall affirm by acts, which are of more value than words, our intentions, our policy. Nine contingents, each reduced by 10,000 men, make a total reduction of 90,000 men. That is already something; it is a tenth part of the existing army. The law upon the contingent will be proposed shortly. Lord Clarendon will then judge whether it will be proper to represent to M. de Bismarck that the Prussian Government, alone in Europe, makes no concession to the spirit of peace, and that it thus places itself in a serious position amid other European societies, because it furnishes arms against itself to all the world, including the populations which are crushed beneath the weight of military charges which it imposes upon them.”

Count Bismarck, closely pressed, felt it to be necessary to enter into some further explanations with Lord Clarendon.

These explanations, as far as we are acquainted with them, from a letter from M. de Lavalette, dated the 23rd of February, were full of reticence. The Chancellor of the Prussian Confederation, departing from his first resolution, had informed King William of the proposition recommended by England, but His Majesty had declined it. In vindication of the refusal, the Chancellor pleaded the fear of a possible alliance between Austria and the States of the South, and the ambitious designs that might be entertained by France. But in the foreground he especially placed the anxieties with which the policy of Russia inspired him, and upon that point indulged in particular remarks respecting the Court of St. Petersburg, which I prefer to pass by in silence, not desiring to reproduce injurious insinuations.

Such were the pleas of non-acceptance which Count Bismarck opposed to the loyal and conscientious entreaties several times renewed by Lord Clarendon at the request of the Emperor's Government.

If, then, Europe has remained in arms, if a million of men are about to be hurled against each other upon the battle-field, it cannot be contested that the responsibility for such a state of things attaches to Prussia, for it is she who has repudiated all idea of

disarmament, while we not only forwarded the proposition to her but also began by setting an example.

Is not this conduct explained by the fact that, at the very time when confiding France was reducing her contingent, the Cabinet of Berlin was arranging in the dark for the provocative nomination of a Prussian Prince?

Whatever may be the calumnies invented by the Federal Chancellor, we have no fear; he has forfeited the right of being believed. The conscience of history and of Europe will say that Prussia has sought the present war by inflicting upon France, while she was engaged in the development of her political institutions, an outrage which no high-spirited and courageous nation could have accepted without meriting the contempt of nations.

No. 105.

Count Bernstorff to Earl Granville.—(Received August 6.)

(Translation.)

My Lord,

Prussian House, August 4, 1870.

I HAVE had the honour of receiving your Excellency's note of the 1st instant, in which you inform me that, according to a telegraphic notice from Lord Augustus Loftus, Herr von Thile had complained to him of the difficulties which the exportation of horses to Prussia meets with at Hull, while no obstacle is put in the way of their exportation to France.

On the further communication contained therein, that—incredible as it appeared that the complaint could be well-founded—your Excellency had immediately caused inquiries to be made respecting it, and requested me to furnish you with more exact information for the continuation of the investigation begun, I hastened to make this wish known to the King's Government by telegraph.

I am now in a position to acquaint your Excellency, respectfully, that in regard to this matter the Royal Government has only before it a private letter from a horse contractor at Hull to his Berlin correspondent, and that the said letter was communicated to Lord Augustus Loftus, by Secretary von Thile, simply for information, and without further proposition.

With, &c.

(Signed) BERNSTORFF.

No. 106.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, August 6, 1870.

I HAVE to acquaint your Excellency that the Prussian Ambassador has informed me, that having communicated by telegraph to Count Bismarck the draft of Treaty between England and Prussia, identical in terms with the draft sent to your Excellency of a similar Treaty between England and France, respecting the neutrality of Belgium, he has received an answer by the same channel, signifying that the King of Prussia agreed to the proposal.

I have now furnished Count Bernstorff with a copy of a despatch which I have addressed to Lord A. Loftus, containing the explanations of the understanding of Her Majesty's Government respecting the provisions of the draft which I have given to your Excellency in my preceding despatch of this day, and he will forward it at once to Count Bismarck.

I have also allowed the Marquis de Lavalette to take a copy of my despatch to your Excellency.

I am, &c.

(Signed) GRANVILLE.

No. 107.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, August 6, 1870.

I SAW the Marquis de Lavalette twice yesterday, the last time at midnight, on which occasion he told me that he had received a telegram from the Duc de Gramont, the

substance of which was that his Excellency had received the Draft Treaty for the defence of the neutrality of Belgium from Lord Lyons, and had taken it *ad referendum* to the Empress Regent and the Council of Ministers which was to meet to-day. M. de Gramont had given Lord Lyons to understand that the Government of the Emperor would agree to accept the Treaty if that portion of the 3rd clause was omitted which provided for the duration of the Treaty for twelve months after the ratification of a Treaty of Peace.

The Marquis de Lavalette said that his Government had already given assurances of their intention to respect the neutrality of Belgium, and that at all events the question ought to be approached in a spirit of equality, both as regards the form and substance.

After a long discussion, during which M. de Lavalette insisted on the importance of certain modifications, I told him that it was impossible for me to agree to modifications in the Draft Treaty; that it had been drawn in pursuance of the directions which I had received from the Cabinet; that I would not alter it without consulting my colleagues, who would meet this day; that I had sent, as I had informed him, the identical Draft Treaty *mutatis mutandis*, to Prussia, and that the King had accepted it. If I now proposed to M. de Bismarck to alter the clauses, he might reply,—I have already given assurances of the respect which the King will pay to the neutrality of Belgium; I have agreed to this Treaty carefully considered by you, in order to do that which is agreeable to the English Government, and to give a further proof of the sincerity of my intentions. But if you ask me to adopt alterations dictated by the exigencies of the enemy, I can have nothing more to say to the negotiation.

I could not admit that we asked for any concession political or strategical from France. Politically, France had already announced her intention of respecting the neutrality of Belgium. Strategically, M. de Lavalette had himself told me on a former occasion, when discussing the possible violation of Belgian territory, that France had no temptation, while there was every inducement for Prussia to do so. Our only object was to restore confidence which recent incidents had shaken in Belgium and other neutral countries.

M. de Lavalette expressed a hope that he should hear from me the next day.

This morning his Excellency saw Mr. Gladstone and me, and the Cabinet have approved the explanatory despatch which I have this day addressed to your Excellency and to Her Majesty's Ambassador at Berlin.

We consider that it only gives the clear and simple meaning of the Treaty we have proposed.

I am, &c.
(Signed) GRANVILLE.

No. 108.

*Memorandum by Earl Granville, communicated to Count Apponyi and Baron Brunnow,
August 7, 1867.*

1. HER Majesty's Government are of opinion that in no case arising out of this Treaty shall the forces of either of the Contracting Parties occupy any of the fortresses of Belgium without previous concert with each other.

2. Her Majesty's Government understand that the territory of Belgium shall be immediately evacuated by all foreign troops whatsoever at the conclusion of a peace.

3. Her Majesty's Government have proposed that the Treaty shall continue in force for twelve months after a Treaty of Peace has been ratified, solely with a view to give a reasonable time for the execution of the Articles of such Treaty.

No. 109.

*Earl Granville to Lord Bloomfield.**

(Extract.)

Foreign Office, August 7, 1870.

THE Treaty we have proposed to France and Prussia severally reserves all the obligations of the Treaty of 1839, and provides that, if the armies of either violate the neutrality of Belgium, Great Britain will co-operate with the other for the defence thereof, but does not engage to take part in the general operations of the present war between

* A similar despatch was addressed to Sir A. Buchanan.

them; and a corresponding co-operation is undertaken by the other Contracting Party. The Treaty to hold good for twelve months after the ratification of a Treaty of Peace between belligerents.

We state, as one understanding of the engagement, but not in the Treaty, that no Belgian fortresses are to be occupied by either of the Contracting Parties without previous concert with the others, and that the territory of Belgium is to be immediately evacuated by foreign troops after the conclusion of peace, the time of twelve months being inserted to give time for the execution of the Treaty.

No. 110.

Lord Lyons to Earl Granville.—(Received August 8.)

(Extract.)

Paris, August 7, 1870.

THIS afternoon I put into the hand of the Duc de Gramont a copy of your Lordship's despatch of yesterday,* giving explanations respecting certain points in the draft of a Treaty respecting Belgium which has been proposed by Her Majesty's Government to the Government of France.

M. de Gramont said that he had written last night a despatch to the Marquis de Lavalette stating the views of the Government of the Emperor.

No. 111.

Earl Granville to Mr. Layard.

Sir,

Foreign Office, August 8, 1870.

WITH reference to your despatch of the 25th ultimo, I have to state to you that, as regards the first official notification of the candidature of Prince Leopold of Hohenzollern, Mr. Otway informed the House of Commons that as early as May last the question of the election of a German Prince to the Throne of Spain had been reported by you to the late Earl of Clarendon.

As regards your telegram announcing the decision of the Council of Ministers to propose Prince Leopold as a candidate to the Cortes I have to inform you that it was received on the 5th July.

I am, &c.

(Signed) GRANVILLE.

No. 112.

M. de Lavalette to Earl Granville.—(Received August 9.)

M. le Comte,

Londres, le 9 Août, 1870.

EN se déclarant prêt à accepter, en principe, l'arrangement proposé par le Cabinet de Londres pour la garantie effective de la neutralité de la Belgique, le Gouvernement de l'Empereur avait exprimé le désir de voir modifier quelques unes des clauses de cet Acte.

Les modifications n'ayant pu, en raison des circonstances, être apportées au texte même du Traité, il a été convenu entre les deux Gouvernements que le Cabinet de Londres donnerait dans une dépêche officielle sur les différentes clauses qui avaient soulevé des objections de la part du Gouvernement de l'Empereur, des explications de nature à constater la portée de ces dispositions.

Votre Excellence a bien voulu déjà adresser dans ce sens, le 6 de ce mois, à l'Ambassadeur de la Reine à Paris, une dépêche destinée à être mise sous les yeux de M. le Duc de Gramont. En raison, toutefois, de l'importance d'un document destiné à fixer l'interprétation d'un acte solennel, le Gouvernement de l'Empereur désirerait que les explications du Cabinet de Londres pussent revêtir la forme plus officielle d'une dépêche qui me serait adressée en réponse à la présente communication, et qui répondrait aux points suivants. Le Gouvernement de l'Empereur désire qu'il soit bien entendu—

1. Que dans aucune des éventualités auxquelles le Traité pourra donner lieu, l'une des Parties Contractantes n'occupera une des forteresses de la Belgique sans s'être préalablement concertée, à ce sujet, avec l'autre Partie Contractante.

2. Que l'Angleterre engagera le Gouvernement Belge à opposer, le cas échéant, une

résistance effective, et à défendre activement par les armes, la neutralité du pays; et que d'un autre côté, la coopération de l'Angleterre ne devra, dans aucun cas et sous aucune forme, porter atteinte à la liberté d'action de la France pour la défense de son territoire.

3. Que le territoire de la Belgique sera évacué par toutes les forces des deux Parties Contractantes immédiatement après la conclusion du Traité de Paix.

4. Enfin, que la clause de l'Article 3 qui a pour objet de maintenir le Traité pendant douze mois après les ratifications du Traité de Paix, a été uniquement proposée par le Gouvernement de la Reine en vue de donner le temps nécessaire à l'exécution des Articles du dit Traité.

Dans le cas où, comme j'en ai la conviction, votre Excellence n'élèverait aucune objection contre ce mode de procéder, je lui serais très reconnaissant de vouloir bien m'adresser une communication qui pût constater l'entente complète des deux Gouvernements sur les différents points que je viens de spécifier.

Veuille, &c.
(Signé) LAVALETTE.

(Translation.)

My Lord,

London, August 9, 1870.

IN declaring itself ready to accept, in principle, the arrangement proposed by the London Cabinet for the effective guarantee of the neutrality of Belgium, the Government of the Emperor expressed the desire to see some clauses of the Act modified.

As the modifications could not, under the circumstances, be so introduced in the text itself of the Treaty, it has been agreed by the two Governments that the London Cabinet should give, in an official despatch on the different clauses which have given rise to objections on the part of the Government of the Emperor, explanations of a nature to establish the object of the stipulations.

Your Excellency has already addressed in this sense a despatch, dated the 6th of this month, to Her Majesty's Ambassador at Paris, to be shown to the Duc de Gramont.

By reason, in every case, of the importance of a document intended to determine the interpretation of a solemn Act, the Government of the Emperor would wish that the explanations of the London Cabinet should assume the more official form of a despatch to be addressed to me in answer to the present communication, and to include the following points. The Government of the Emperor desire it to be fully understood—

1. That in any of the eventualities to which the Treaty may give rise, neither of the Contracting Parties shall occupy one of the fortresses in Belgium without previous concert on that subject with the other Contracting Party.

2. That England will invite the Belgian Government to offer, the case arising, an effectual resistance, and to defend actively by arms the neutrality of the country; and that, on the other hand, the co-operation of England shall not, in any case or under any form, interfere with the liberty of action of France for the defence of her territory.

3. That the territory of Belgium shall be evacuated by all the forces of the two Contracting Parties immediately after the conclusion of the Treaty of Peace.

4. Lastly, that the clause of Article II1, which has for object, the maintenance of the Treaty during twelve months after the ratifications of the Treaty of Peace, has been solely proposed by Her Majesty's Government with a view to give the necessary time for the execution of the Articles of the said Treaty.

In the case, of which I am convinced, of your Excellency raising no objection to this mode of proceeding, I would feel much obliged if you would be so good as to address me a communication which could confirm the complete understanding of the two Governments on the different points which I have just specified.

Receive, &c.
(Signed) LAVALETTE.

No. 113.

Earl Granville to M. de Lavalette.

M. l'Ambassadeur,

Foreign Office, August 9, 1870.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this day, stating that, while declaring itself prepared to accept in principle the arrangement which Her Majesty's Government have proposed with a view to the effective guarantee of the neutrality of Belgium, the Government of the Emperor had desired certain modifi-

cations of it; which, as they could not be conveniently inserted in the Treaty itself, it was agreed should be dealt with in a despatch to be addressed by me to Her Majesty's Ambassador at Paris.

Your Excellency proceeds to say that Lord Lyons had communicated such a despatch, but that the Imperial Government, looking at the importance of a document having for its object to interpret a solemn act, wished that Her Majesty's Government should place on record, in the more formal shape of a letter to be addressed to your Excellency, the explanations given by me to Lord Lyons, and by Lord Lyons to M. de Gramont.

Your Excellency then recapitulates the different points on which the Government of the Emperor desires to receive these explanations.

Of these, the first, third, and fourth are identical with those contained in my despatch to Lord Lyons, of which I also gave your Excellency a copy on the day that it was written, and I can have no hesitation in repeating—

As regards the first, that Her Majesty's Government are of opinion that, in no case arising out of the Treaty, shall the forces of either of the Contending Parties occupy any of the fortresses of Belgium without previous concert with each other;

As regards the third, that Her Majesty's Government understand that the territory of Belgium shall be immediately evacuated by all foreign forces whatsoever at the ratification of a Treaty of Peace;

As regards the fourth, that Her Majesty's Government have proposed that the Treaty shall continue in force for twelve months after a Treaty of Peace has been ratified, solely with a view to giving a reasonable time for the execution of the Articles of such Treaty. It being understood, as above stated, that the forces of both countries will evacuate the territory of Belgium immediately after the ratification of a Treaty of Peace, the delay of twelve months would meet the possible case of the same difficulties, such as this Treaty is intended to obviate, occurring before the execution of a Treaty of Peace.

The second point on which your Excellency desires explanation, and which was not alluded to in my despatch to Lord Lyons, is as follows:—

That England, the case arising, should engage the Belgian Government to offer an effective resistance, and to defend actively by arms, the neutrality of the country; and, on the other hand, that the co-operation of England should, in no case and under no form, impair the freedom of action of France for the defence of her territory.

Her Majesty's Government assent entirely to these demands, and indeed they can hardly conceive that any doubt should have existed in regard to either of them.

I am, &c.

(Signed) GRANVILLE.

No. 114.

M. de Lavalette to Earl Granville.—(Received August 9.)

M. le Comte,

Londres, le 9 Août, 1870.

J'AI reçu la dépêche que votre Excellence a bien voulu m'adresser aujourd'hui en réponse à celle que j'avais eu l'honneur de lui écrire à la même date.

Je me trouve dès lors en mesure d'annoncer à votre Excellence que je suis autorisé par le Gouvernement de l'Empereur à adhérer en son nom au Traité qui lui a été proposé par le Cabinet de Londres pour la garantie effective de la neutralité de la Belgique. Je le signerai aussitôt que j'aurai reçu les pleins pouvoirs que j'attends à cet effet.

Veuillez, &c.

(Signé) LAVALETTE.

(Translation.)

My Lord,

London, August 9, 1870.

I HAVE received the despatch which your Excellency had the kindness to send me to-day in answer to the one which I had the honour to write to you on the same date.

I am now in a position to announce to your Excellency that I am authorized by the Government of the Emperor to accede in his name to the Treaty proposed to him by the Cabinet of London for the effective guarantee of the neutrality of Belgium. I will sign it as soon as I receive the full powers which I am expecting to that effect.

I have, &c.

(Signed) LAVALETTE.

No. 115.

Earl Granville to Lord A. Loftus.

My Lord,

Foreign Office, August 9, 1870.

I HAVE to acquaint your Excellency that I have this day signed with Count Bernstorff the Treaty relative to the independence and neutrality of Belgium, in the terms of the draft inclosed in my despatch of the 4th instant. The exchange of ratifications is to take place at London as soon as possible.

I am, &c.
(Signed) GRANVILLE.

No. 116.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, August 9, 1870.

SINCE the receipt of your Excellency's despatch of the 7th instant, I have been in communication with the French Ambassador on the subject of the explanations which, by my despatch of the 6th instant,* you had been instructed to give to M. de Gramont as to the understanding attached by Her Majesty's Government to the provisions of the proposed Treaty respecting the neutrality of Belgium.

As the result of our verbal communication, M. de Lavalette addressed to me to-day the letter of which I inclose a copy, my reply to which I also inclose.†

M. de Lavalette's further letter, of which I also inclose a copy, states his acceptance of my explanation as satisfactory; and he has informed me that he will be prepared to sign the Treaty as soon as he receives the full powers to enable him to do so.

I shall announce this to-morrow in the House of Lords, before the prorogation.

I am, &c.
(Signed) GRANVILLE.

No. 117.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, August 9, 1870.

I HAVE to acquaint your Excellency that I have this day signed with Count Bernstorff the Treaty between Her Majesty and the North German Confederation for securing the neutrality of Belgium.

I am, &c.
(Signed) GRANVILLE.

No. 118.

Earl Granville to Sir A. Buchanan.

My Lord,

Foreign Office, August 10, 1870.

I HAVE to acquaint your Excellency that the Treaty between England and Prussia, for securing the neutrality of Belgium, was yesterday signed by Count Bernstorff and myself, and that a similar Treaty between England and France has been agreed to by France, and will be signed as soon as the French Ambassador receives his full powers.

I inclose, for your Excellency's information, copies of a correspondence with the French Ambassador explaining the understanding which Her Majesty's Government attach to the provisions of the Treaty.‡

I am, &c.
(Signed) GRANVILLE.

* No. 101.

† Nos. 112 and 113.

‡ Nos. 112, 113, and 114.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, August 10, 1870.

THE Prussian Ambassador has alluded to various rumours, in regard to which he has sought to obtain some reliable information from me.

The first is that a Treaty has been concluded between France and Italy, under which the latter would furnish to France a contingent of 100,000 men, and would be allowed to make herself mistress of Rome after the war was over.

I have informed Count Bernstorff that I did not believe in the supposed Treaty; that the Italian Government had represented to that of Her Majesty that it had been much pressed by France, and desired the assistance of Her Majesty's Government to resist such pressure; and that upon being told that although it was not the present policy of England to enter into any positive engagement for combined neutrality, yet that Her Majesty's Government would be ready, if by so doing they could assist Italy to resist external pressure, to agree with Italy that neither Power should depart from its neutrality without an interchange of ideas, and an announcement to one another of any change of policy. The Italian Government warmly assented to such an arrangement.

Another rumour alluded to is, that a negotiation for an alliance between France and Austria, combined with an armed organization of Galicia, is in progress; and I have informed Count Bernstorff that I had thought it necessary to warn the Austrian Government that there were many circumstances that had created suspicion as to her neutrality in the minds of both the Russian and Prussian Governments; and that I had received an assurance from Austria that she was perfectly free from any engagement, and would be happy to enter with Her Majesty's Government into any understanding as to continued neutrality.

As regards a third rumour, that a secret Treaty has been signed at Vienna between France, Austria, Italy, and Turkey, by which they mutually guarantee their respective territories and possessions, and engage to join in the war if France should meet with reverses, I could only say that I had no knowledge of, and did not believe in, any such Treaty having been signed.

Count Bernstorff has also called my attention to Denmark, which Prussia is afraid might be induced by French pressure to take part in the war. The King of Denmark desired to be supported against such pressure, and the Cabinet of St. Petersburg was desirous to take at Paris, in conjunction with England, a common step for that purpose; but I have reminded his Excellency that I had on three occasions suggested to himself how desirable it would be that Prussia, by a friendly arrangement, should take away the temptation to Denmark to yield to any solicitations from France; and I have added that I had last week obtained the sanction of the Cabinet to inform Baron Brunnov that I should be ready to concert with him the time and manner of making a representation to France, urging her not to press upon Denmark a policy so contrary to the interests of that country.

I am, &c.

(Signed) GRANVILLE.

Earl Granville to Lord Lyons.

My Lord,

Foreign Office, August 11, 1870.

I HAVE to acquaint your Excellency that I this day signed with the Marquis de Lavalette the Treaty relative to the independence and neutrality of Belgium in the terms of the draft inclosed in my despatch of the 3rd instant,* but with the addition, wherever the North German Confederation is mentioned, of the words "and its allies."

I am, &c.

(Signed) GRANVILLE.

Circular addressed to Her Majesty's Representatives and Consuls in Germany.

Sir,

Foreign Office, August 11, 1870.

HER Majesty's Government have learnt with much regret that an impression exists in Germany that Great Britain is deviating from the attitude of neutrality which she has announced her resolution to observe, by giving France facilities for obtaining certain articles useful to her for war purposes, such as munitions of war, horses, and coal, while such facilities are not accorded in an equal degree to the allied German States.

It is not unnatural that, in a moment of excitement like the present, the German people should be more than ordinarily sensitive in watching the attitude of nations which are taking no part in the struggle; and it cannot be wondered at that they should for a time accept as facts unfounded rumours, and that they should somewhat hastily condemn, as breaches of neutrality, proceedings which, at a calmer season, they would not hesitate to pronounce, with that impartiality of judgment for which they are distinguished, to be strictly in accordance with the usages of international law and comity.

Her Majesty's Government lost no time, after the declarations of war had been exchanged, in announcing the determination of Great Britain to maintain a position of neutrality between the contending parties; and this position has been hitherto faithfully observed. It is not true that any facilities have been given, or any restrictions imposed, which are not equally applicable to both belligerents.

The steps taken by Her Majesty's Government have been strictly in accordance with precedent and with the principles by which neutral nations, including Prussia herself, have been guided in recent wars. But it now appears to be wished that Great Britain should go further; and that she should not only enjoin upon British subjects the obligations of neutrality, but that she should take it upon herself to enforce those obligations in a manner and to an extent wholly unusual. It is demanded that she should not only forbid, but absolutely prevent, the exportation of articles contraband of war; that is to say, that she should decide herself what articles are to be considered as contraband of war, and that she should keep such a watch upon her ports as to make it impossible for such articles to be exported from them.

It requires but little consideration to be convinced that this is a task which a neutral Power can hardly be called upon to perform. Different nations take different views at different times as to what articles are to be ranked as contraband of war, and no general decision has been come to on the subject. Strong remonstrances, for instance, are made against the export of coal to France; but it has been held by Prussian authors of high reputation that coal is not contraband, and that no one Power, either neutral or belligerent, can pronounce it to be so. But, even if this point were clearly defined, it is beyond dispute that the contraband character would depend upon the destination; the neutral Power could hardly be called upon to prevent the exportation of such cargoes to a neutral port; and, if this be the case, how could it be decided, at the time of departure of a vessel, whether the alleged neutral destination were real or colourable? The question of the destination of the cargo must be decided in the Prize Court of a belligerent, and Prussia could hardly seriously propose to hold the British Government responsible whenever a British ship carrying a contraband cargo should be captured while attempting to enter a French port.

Her Majesty's Government do not doubt that, when the present excitement has subsided, the German nation will give them credit for having honestly acted up to the duties of neutrality to the best of their power; and they are confirmed in this conviction by the recollection that, when Prussia was in the same position as that in which Great Britain now finds herself, her line of conduct was similar, and she found herself equally unable to enforce upon her subjects stringent obligations against the exportation even of unquestionable munitions of war.

During the Crimean war arms and munitions were freely exported from Prussia to Russia, and arms of Belgian manufacture found their way to the same quarter through Prussian territory, in spite of a Decree issued by the Prussian Government prohibiting the transport of arms coming from foreign States.

Reflection upon these points may make the German nation inclined to take a juster view of the position now occupied by Her Majesty's Government.

As regards the export from this country of horses and ammunition, it appears from the latest Tables which have been obtained from the British Customs that the number of horses exported during the months of July and August to Germany and Belgium is approximately 413, and to France 583; as regards the amount of munitions of war

exported during the same period, it appears from the official Reports that none at all have been exported to France, and only the following exports have been made to German, Belgian, and Dutch ports:—To Belgium, ordnance stores, &c., to the value of 369*l*.; shot-lead, or iron, 1 cwt.; to Hamburgh, shot-lead, or iron, 5 cwt.; to Holland, shot-lead, or iron, 32 cwt.

It is not irrelevant to this matter to quote the views recently expressed to a foreign Minister at Washington by the Secretary of State of the United States respecting the duties of neutrals in regard to trade in articles contraband of war. He is reported to have said that arms and ammunition had always been considered to be articles of legitimate commerce by neutrals during war, and that the United States claimed the right to supply them to all belligerents without distinction, adding that during the Civil War in America quantities of these articles had been bought from England, France, and Belgium.

It may be well also to observe that the Belgian Government, though by a recent Decree it has provisionally prohibited the transit and exportation of arms and munitions of war, excepts from this prohibition articles which can be clearly shown to be destined for a neutral Government, and reserves formally the right of free exportation for the future.

I am, &c.
(Signed) GRANVILLE.

FRANCO-PRUSSIAN WAR.
No. 3 (1870).

FURTHER CORRESPONDENCE respecting the War
between France and Prussia; 1870.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:
PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.					Page
1.	The Earl of Clarendon to Mr. Erskine	..	..	..	April 21, 1870 1
2.	The Earl of Clarendon to Mr. Erskine	..	..	..	„ 21, — 2
3.	Mr. Erskine to the Earl of Clarendon	..	..	..	„ 12, — 3
	One Inclosure.				
4.	Mr. Erskine to the Earl of Clarendon	..	..	..	„ 14, — 5
	Two Inclosures.				
5.	The Earl of Clarendon to Mr. Erskine	..	..	..	„ 23, — 6

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, April 21, 1870.

I THINK it desirable to recapitulate what has passed through the telegraph up to the present time, on the subject of the capture of the party of English travellers on their way back to Athens from Marathon, by a party of brigands, on the 11th of this month.

Your telegram of the 12th, announcing this event, coupled with that of the release of the ladies of the party, and the demand of the brigands of a sum of 32,000*l.* for ransom, was not received till the early hours of the morning of the 14th; and after communication with the friends of the captives, some of whom were at a distance from London, instructions were sent to you by the telegraph in the afternoon of the same day to endeavour to obtain a reduction in the sum demanded for ransom, so as if possible to bring it within 5,000*l.*; but that if you found the lives of the captives would be endangered by delay in referring home for authority to pay a larger sum, you were authorized to pay whatever might be necessary for their release, and to draw on Messrs. Drummond for the amount.

On the following day, the 15th, I further instructed you to urge the Greek Government, by the special order of Her Majesty's Government, to take every practicable means for the release of the captives; and I informed you that a ship of war would be placed at your disposal, which you might send to bring them off from any part of the coast they might reach.

Your second telegram of the 13th, announcing that Lord Muncaster had been released, and had arrived at Athens, and that the brigands demanded 25,000*l.* and a free pardon for the release of the whole party, and that you were treating on the subject with the Greek Government, only reached me on the 16th; and in reply, I expressed the hope that, with the assistance of the Government, you might be able to induce the brigands to release their prisoners, and I desired you at the same time to intimate to the Government that the better the terms on which this could be effected, the more readily could the Government meet any representation which you might thereafter be instructed to make to them on the subject of so scandalous an outrage. I added, however, that I was unwilling to embarrass your free action by any specific instructions, and must rely on you for using your best endeavours to set the captives free; and on the following day, the 18th, I further instructed you to prepare the Greek Government for the exhibition of very angry feelings in this country with reference to the outrage, and empowered you to say that Her Majesty's Government hoped that there would be no hesitation in granting a pardon to the brigands rather than allow the lives of the captives, by demurring to do so, to be exposed to additional risk. Late in the afternoon of the 18th your telegram of the 16th, reporting that the brigands had carried off their prisoners to Oropo, that the prisoners were well on the previous day and were kindly treated, and that negotiations were in progress, was received. The date of your two following telegrams was uncertain; in words they purported to be dated on Sunday and Monday night, but in figures they bore date respectively April 18, 8 P.M., and April 19, 4.40 P.M. Both, however, were received in the morning of the 20th. In the first you acknowledge the receipt of my telegrams of the 14th and 15th, and stated that as the captives were pledged for a ransom of 25,000*l.*, it would be dangerous to offer less, and that the amnesty required by the

brigands was the real difficulty. With reference to this point you inquire whether Her Majesty's Government, if the consent of the Greek Government could be obtained to such a course, would consent to allow the brigands, or at all events some of them, to be conveyed to Malta or some other place of safety in a British ship of war; but you added that you had heard from one of the captives that though otherwise well and comfortable, they were threatened by the Chief of the brigands with death if the terms of their ransom were not settled within two or three days. In your telegram of the 19th (or Monday night), you added that an Aide-de-camp of General Church was starting to renew negotiations with the brigands, but that they still insisted on an amnesty, which it was impossible to obtain for them. Within a few hours, indeed as soon as it was possible to prepare the telegram, after the receipt of your last named telegrams, I instructed you to point out in the clearest terms to the Greek Government the indignation that would be felt in this country if the lives of the prisoners were endangered by a refusal to grant the required amnesty. I authorized you to insist on the discredit that attaches to Greece from the prevalence of brigandage, which no effectual measures are taken to suppress, and to declare that the British Government would not accept as an excuse for the sacrifice of life the plea that even for its preservation pardon could not be extended to the brigands. And although Her Majesty's Government could not conceal from themselves the extreme and unusual character of the step they were taking, I went so far as to authorize you to say, that if the Greek Government would consent to it, you might make known to the brigands that a safe conveyance would be afforded to them to Malta should they desire to avail themselves of it, on board a British ship of war, if the prisoners were immediately released and arrived in safety at Athens.

I have further telegraphed to you to-day, that notwithstanding what I have just stated as to the conveyance of the brigands, in case of need, to Malta, you would not relax your endeavours to induce the Greek Government to grant them an amnesty, if that course was more likely to influence the brigands to release the prisoners; and I instructed you to say that Her Majesty's Government considered that they were justified in calling on the Greek Government to consent to any measures for the release of the prisoners.

I have further desired you to inform me fully of the amount of protection given by the Greek Government to the party, and how far the party were travelling on their own responsibility.

I am, &c.
(Signed) CLARENDON.

No. 2.

The Earl of Clarendon to Mr. Erskine.

Sir, *Foreign Office, April 21, 1870.*

SINCE my other despatch of this day was written, I have seen the Greek Minister, who called upon me in pursuance of instructions from his Government to express their great concern at the capture of the English party by the brigands, and to explain to me the difficulty under which the Greek Government laboured in regard to the grant of an amnesty, for which the brigands were appearing to hold out.

M. Brailas-Armeni said that the power of pardon vested by the Constitution in the King of Greece extended only to political offences, and that the King could not interpose his authority to relieve persons from the penalty attaching to ordinary crimes. But, he went on to say, the Greek Government were perfectly willing to close their eyes as regards any measures which the British Legation might take for inducing the brigands to give up their prisoners, by engaging, if they did so, to afford any of them who might wish to seek their safety in leaving Greece, the means of doing so in a British ship.

I told M. Brailas-Armeni that such a contingency had already been provided for, and that Mr. Erskine had applied for and obtained authority to give, with the consent of the Greek Government, a passage to Malta to all or any of the brigands who might desire to leave Greece. But I went on to say that I could not admit the validity of the constitutional objection stated by the Greek Government to preclude them from granting a pardon to the brigands. The Greek Constitution had so frequently been violated by the Government in regard to matters of internal administration that I could not listen to a plea founded on it as an excuse for not relieving the British subjects whose lives were in imminent danger, by complying with the demands of the brigands for an amnesty as a part of the price of their surrender.

I am, &c.
(Signed) CLARENDON.

No. 3.

Mr. Erskine to the Earl of Clarendon.—(Received April 22.)

My Lord,

Athens, April 12, 1870.

IT is my painful duty to acquaint your Lordship with the capture by brigands of a party of English ladies and gentlemen who left this early yesterday morning to visit the Plain of Marathon.

The party consisted of Lord and Lady Muncaster, Mr. Herbert (one of the Secretaries of this Legation), Mr. Vyner, a brother of Lady De Grey, Mr. and Mrs. Lloyd, and their child, and the Count De Boyl, the Secretary of the Italian Legation, with an Italian servant, and a Greek courier. They were in two carriages, escorted by four mounted gendarmes. After spending two or three hours at Marathon they set out on their return at about half-past 2 o'clock in the afternoon. A detachment of twenty-five foot soldiers, as is alleged by the Minister of War, started from Marathon at the same time, but was unable to keep up with the carriages. They also fell in with a patrol of six men on foot, who managed to follow the carriages to within a short distance of the spot where they were attacked; whilst two mounted gendarmes were a-head and two behind. Just before they were to change horses, and as they were approaching the bridge of Pikermes, at about 12 or 14 miles from Athens, they were suddenly fired at from the brushwood bordering the road, and at the first discharge the two gendarmes in front fell, badly wounded, from their horses. The carriages then stopped and the whole party were compelled to alight, and, with the two remaining mounted gendarmes, were hurried up the side of the mountain. As far as I have been able to ascertain what subsequently occurred, it would appear that shortly afterwards the patrol of six infantry soldiers came up and commenced an attack on the brigands, of whom Mr. Herbert counted at least twenty-one. By this time, however, they had formed their captives into a compact group, which they surrounded. A hot fire was then opened by the soldiers upon the retreating party, at not more than fifty yards distance, and for some minutes their lives must have been in the most imminent danger. Eventually the soldiers, finding that they were not in sufficient strength to make any impression on the brigands, and that they ran the risk of injuring the captives by their fire, appear to have discontinued the engagement, and the brigands (of whom only one was slightly wounded) effected their retreat to the mountains without further interruption. As soon as they had reached the top of the mountain the ladies were told that they were at liberty to depart, and writing materials were supplied to Mr. Herbert and the gentlemen of the party, whose ransom, after some discussion, was fixed at the sum of 32,000*l.* sterling.

Mr. Herbert's note to me is in the following terms:—"Do what you can to stop the troops from pursuing us. The captain says he requires 32,000*l.* Our 'friends' say they can be heard of in town, and request that a proper person may be sent to treat with them. Please telegraph to Carnarvon." Notes of a somewhat similar tenor were written by the Count de Boyl to the Italian Minister and by the other gentlemen to their friends in England.

At 8 P.M. the first report of this sad event was brought to me, and I at once went off to the house of General Soutzo, the Minister of War, who informed me that the tidings I had received were but too true. Soon after 10 o'clock Lady Muncaster and Mrs. Lloyd drove up to Her Majesty's Legation, and gave me the details which I have now furnished to your Lordship. I returned immediately to General Soutzo, and urged him to issue the most stringent orders against any further pursuit of the brigands by the troops, which he solemnly promised me should be done. I called also on the Minister for Foreign Affairs for the same purpose—the President of the Council and Minister of the Interior, M. Zaimis, being absent with the King.

This morning I was informed by General Soutzo that one of the mounted gendarmes who was liberated at the same time as the ladies had brought him a note from the chief of the brigands, saying that if in three days a sum of 50,000*l.* was not forthcoming for the ransom of the "Lordi," and if all pursuit throughout the Kingdom was not suspended, their prisoners would be put to death; but General Soutzo seemed to think that this was a mere threat, and that even the amount of the ransom might be greatly reduced. I told him that I should be quite prepared to pay at once any reasonable sum without discussion; and he assures me that men have been sent in all directions to discover the traces of the band, and to treat with them if possible. I have also, at the suggestion of General Soutzo, telegraphed to Mr. Noel in Eubœa, to ask him to send up a man named Constantino or "Dino," in his service, who is one of seven brothers known as the "Arvaniteki," several of whom are the chiefs of the formidable band into whose hands our unfortunate country-

men have fallen, and who, it is thought, will be the best person successfully to negotiate their deliverance.

I have addressed a note to M. Valaority, of which a copy is inclosed herewith, placing on record the circumstances of this capture, and calling upon the Government to discontinue pursuit until the captives are out of danger. I have also reserved to your Lordship the right of calling upon the Hellenic Government to pay the ransom which may ultimately be accepted by the brigands should Her Majesty's Government think fit to do so; and I do trust that as this is a case of two persons belonging to the Diplomatic Body who had apprized the authorities of their intention to visit Marathon, who had obtained an escort which they were entitled to consider sufficient, and who received no intimation whatever of danger, your Lordship may see fit to hold the Greek Government answerable for what has occurred. The Italian Minister has addressed a similar representation to M. Valaority, and I feel persuaded that were it to be well understood that the nation would have to make good any loss inflicted upon foreigners owing to the neglect or mismanagement of Government, the latter would soon discover the means of putting a stop to a state of things which is mainly due to the supposed exigencies of party warfare, and which is a disgrace to any community calling itself civilized.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 3.

Mr. Erskine to M. Valaority.

Sir,

Athens, April 12, 1870.

ALTHOUGH I have already communicated with you verbally in regard to the lamentable capture by brigands of a party of my countrymen in this neighbourhood, I deem it my duty to place before you a more formal statement of what has happened, as you must permit me to say that the facts of the case imply a want of vigilance on the part of the authorities which is altogether inexcusable.

On the 9th instant the Chancellor of this Legation went to the office of the Prefect of Police to arrange about a military escort for the party in question, which consisted of Mr. Herbert (a Secretary of Her Majesty's Legation), Count de Boyl, the Italian Secretary, Lord and Lady Muncaster, Mr. Vyner, and Mr. and Mrs. Lloyd and their child. He was told by the Secretary of the Police that the necessary orders would be given, and on the following day he ascertained that the Mirarch of Gendarmerie had received his orders, and he left M. Boujouka, the Prefect of Police, without the least hint having been given of any danger.

At 6 o'clock on Monday morning, the 11th instant, the party in question accordingly started for Marathon with an escort of four mounted gendarmes, and after spending a couple of hours in visiting the field of battle, they set out on their return home. On the way they fell in with two detachments of infantry, one of which was tolerably numerous, and which appeared to have been sent out for the protection of the travellers, but still not the least hint of danger was given. At half-past 4 o'clock, shortly before changing horses, and before arriving at the Bridge of Pikermes, a volley was fired from the bushes which unfortunately wounded two of the mounted gendarmes, one of whom is since dead and the other I fear is dying.

The brigands, from whom these shots had proceeded, then sprang from their concealment, and compelled the travellers to accompany them up the mountain. About one hundred yards from the road they were overtaken by a detachment of soldiers (apparently the patrol of six men whom they had passed some time previously), and a hot fusillade then commenced, in the course of which the lives of my countrymen were in great danger, but which ceased when the soldiers found that they were in the presence of a powerful band of at least twenty-one brigands, and that any further interference would be useless.

The whole party was then carried off into the mountains, and they soon discovered that they were in the hands of the large and notorious band of the "Arvanitaios," who were supposed to be concealed in Bœotia, and who, as I had ascertained from the Minister of War a few days previously, were last heard of at Kineta, in the district of Meyara.

After some consultation, the chief of the band intimated to the captives that they would be expected to pay a sum of 32,000*l.* as ransom, and that in the meantime Lady Muncaster and Mrs. Lloyd and her child were at liberty to return to Athens, which they did under the charge of the two mounted gendarmes who had been made prisoners.

The Minister of War has already given me a solemn promise that no attempt shall be made to pursue the brigands until the captives are released; a threat having been made by

the brigands that the least attempt to molest them would be instantly followed by the massacre of the whole party, and I trust that you, Sir, will take care that this engagement is religiously kept.

Under the circumstances which I have enumerated, I cannot refrain from observing that it appears to me that great negligence has been shown by the authorities who are entrusted with the maintenance of order, and consequently that the Hellenic Government may be held answerable for what has occurred.

It is my intention, however, to address a detailed report upon the subject to Her Majesty's Government; and I reserve to them the right, should they think fit to do so, to claim from the Hellenic Government the reimbursement of any expenses which may be incurred in procuring the release of my countrymen.

I avail, &c.
(Signed) E. M. ERSKINE.

No. 4.

Mr. Erskine to the Earl of Clarendon.—(Received April 22.)

My Lord,

Athens, April 14, 1870.

TOWARDS noon yesterday Lord Muncaster appeared unexpectedly at my house, to say that the brigands having consented to the release of one of their prisoners, to arrange as to the payment of the ransom, he, Lord Muncaster, had been selected for that purpose.

It now appears that after the departure of the ladies on Monday night, it was discovered that there had been a misunderstanding as to the sum fixed as a ransom, which was 50,000*l.*, and not 32,000*l.*, as had at first been supposed. After much negotiation, however, the brigands agreed to reduce their demand to 25,000*l.*, or a free pardon by Government.

In the absence of the King and the Prime Minister, the Government did not feel at liberty to come to any decision on this proposal; but a person was at once despatched to the brigands' place of concealment, with assurances that they would not be molested, and clothing and provisions for the captives.

This morning the person in question returned, with a few lines from Mr. Herbert, and a letter from the brigands, of which a translation is inclosed herewith, and by which your Lordship will perceive that they now demand not only a ransom of 25,000*l.*, but also an amnesty for the whole band, which, unfortunately, is absolutely prohibited by Article 39 of the Constitution.

His Majesty and the Prime Minister having returned to Athens this morning from an excursion they have been making in the Archipelago, M. Zaïmis called upon me in the course of the day, with the Minister for Foreign Affairs, and expressed to me the profound grief and humiliation with which His Majesty had learnt the misfortune which had befallen my countrymen; and he assured me that the Government were prepared to make any sacrifice in their power to effect the release of the captives.

A person has been sent off on behalf of the Government to treat with the brigands, and to promise them anything short of an amnesty; and I trust that ere long the whole party may be restored to liberty.

I have addressed a letter in Greek to the brigands, of which I inclose a translation, assuring them that the money will be paid, and that they need not fear any attempt to molest them on the part of the authorities.

I cannot as yet say, very positively, by whom the ransom will eventually have to be paid but I have had the honour of an interview with His Hellenic Majesty, at which he said that he had desired M. Zaïmis to take any sum that might be necessary from the Bank or elsewhere, to pay for the ransom. His Majesty even showed the most eager wish to go and place himself in the hands of the brigands, rather than that any of their prisoners should suffer harm.

In a note to me written late last night or early this morning, Mr. Herbert says:—"The brigands have changed their mind, and require now both amnesty and 25,000*l.* They wish, however, to treat with some one speaking Greek sent on behalf of the Government. . . . It is obvious, as the brigands say, that our lives are in imminent danger unless something is done. The question is what can be done. They want an answer in Greek to their letter."

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1 in No. 4.

Letter from the Brigands.

(Traduction.)

Messieurs les Ministres d'Angleterre et d'Italie,

LES messieurs sont très bien, mais quant à ce dont nous sommes convenu avec le monsieur concernant la rançon de 25,000 livres, nous demandons du Gouvernement Hellénique l'amnistie, et que les poursuites soient empêchées non seulement en Attique mais dans toutes les provinces, car si nous nous apercevons qu'on nous poursuit les messieurs seront en danger. Nous attendons votre réponse demain sans faute.

Inclosure 2 in No. 4.

Letter to the Brigands.

(Translation.)

THE English and Italian Ministers have received your communication.

There will be no difficulty as to the payment of the money, but you must not insist on an amnesty, which Government have not the power to grant. Persons will be sent to treat with you, and in the meantime both the King and the President of the Council have assured the English Minister that you shall not be molested. Make your prisoners as comfortable as you can. You can even put them under cover in some rural habitation without any fear.

(L.S.)

(Signed)

E. M. ERSKINE.

No. 5.

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, April 23, 1870.

YOUR telegram of the 20th of April in the evening, announcing that the health of the captives was satisfactory, but that the brigands still held out for terms which the Greek Government could not admit, and further expressing the hope that the mission of General Church's Aide-de-camp and the military measures taken to prevent the escape of the brigands would prove satisfactory, was received in the night of the 21st; and on the following morning your despatches of the 12th and 14th of April, containing the particulars of the capture and the steps taken up to the last-named date, reached my hands.

Late in the evening of the 22nd, your further telegram of the afternoon of the 20th was received, and caused me no small anxiety; for I gathered from it that an attack on the brigands by the troops was likely to be made, or, at all events, that some plan was in agitation for facilitating the escape of the prisoners by other means than those which had hitherto been contemplated.

My worst fears were realized on the receipt of your telegrams of the 22nd, sent off respectively at 2 A.M. and 7.30 A.M., which reached the Foreign Office this afternoon, and brought the distressing intelligence that Mr. Herbert and the Secretary of the Italian Legation had been put to death by the brigands, apparently under the pressure of an attack made by the troops upon them; that Mr. Vyner had been carried off by them; and that nothing was known of Mr. Lloyd.

I telegraphed to you at once that if you should have reason to suppose that the safety of the surviving prisoners might be secured by the grant of an amnesty you should apply to the Greek Government, and in the name of Her Majesty's Government, and in the strongest terms, require that such amnesty should be granted.

Three hours after this was done, your final telegram of this afternoon was received, conveying the sad intelligence that Mr. Vyner and Mr. Lloyd had shared the fate of their companions, and mentioning that the former of them had been killed near Thebes.

I need not dwell on the anxiety with which Her Majesty's Government await your detailed reports of this melancholy tragedy. I fear that many days must elapse before they are received, and until then I am scarcely in a position to give you any further instructions. I can only hope, and indeed I do not doubt, after having read your despatches already received, that you will have left no measure untried which held out a prospect of effecting the release of the prisoners, and that you failed not to use every argument which might prevail with the Greek Government to waive the futile, and under the circumstances

untenable, objection which they made to granting the amnesty which seems to have been insisted on by the brigands as an indispensable condition to the surrender of the captives.

I will inform you of the wishes of the relatives of the deceased as to the disposal of their remains as soon as I can ascertain them.

I am, &c.
(Signed) CLARENDON.

P.S. *April 24*, at night.—Since the foregoing despatch was written I have received your further telegram, dated noon to-day, announcing that the remains of Mr. Herbert and of Mr. Lloyd had been landed at Athens on the previous day, and in the afternoon interred in the presence of the King, Queen, Archbishop, Ministers, and Diplomatic Body in uniform; and that the steamer had returned for the remains of Mr. Vyner and M. Boyl, the Italian Secretary, and was expected back in the night. Your telegram further informed me that thirteen of the brigands had been killed or taken, but that eight, including the Chief, were still at large, although it was hoped that they would also be captured.

C.

GREECE.

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS,

GREECE. No. 2 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:
PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.					Page
1.	Mr. Erskine to the Earl of Clarendon	..	..	..	April 16, 1870 1
2.	The Earl of Clarendon to Mr. Erskine	..	..	..	" 27, — 2

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Mr. Erskine to the Earl of Clarendon.—(Received April 27.)

My Lord,

Athens, April 16, 1870.

THE emissaries sent by the Greek Government to treat with the brigands returned yesterday morning without having been able to induce them to release their prisoners. At one time they seemed disposed to accept a ransom of 22,000*l.*, on condition that hostages be given to ensure their reaching the frontiers in safety; but in the course of the night they were visited by persons from Athens, who are believed, by M. Zaimis, to have been dispatched by some of the leading members of the Opposition, and who persuaded the brigands to insist on an unconditional amnesty not only for themselves, but for all their companions now in prison—the supposed object being to compel the Government to convoke an Extraordinary Session of the Chamber, and thus afford the Opposition a fresh opportunity of defeating the Ministry and driving them from office. But M. Zaimis sent back his emissaries last night to resume negotiations, which he does not doubt will eventually be successful, and he even hopes that they will return to Athens this evening with a satisfactory answer. The brigands told M. Zaimis' agents that they had every reason to trust their present advisers; but that they had sent into Athens to consult three advocates of standing, and that they would not come to any decision until they were in the receipt of the opinion of these advisers.

My last direct intelligence from Mr. Herbert was despatched yesterday morning at 8 o'clock. In the early part of his note he says: "Arvanitaki tells me, after a long consultation with M. Zaimis' agents, that they have not yet arranged everything, but I have no doubt that they will soon come to terms." In a postscript, however, he adds: "Arvanitaki begs me to thank you for your letter, and to say that he insists upon the amnesty and the money. I have explained to him that the first is impossible. He says that it has been done before, and that those are his terms. The only compromise he seems disposed to make is that he should be allowed to go abroad, to Italy for example. I asked him if I should write this to you. He says, 'No, not now.' To say the truth since the arrival of M. Zaimis' man I have scarcely seen Arvanitaki, so that I have told you all I gather from a short conversation with him, but his message is that without the amnesty he will not release us."

This, therefore, is the latest direct or authentic news I have from the captives. It was written from a place called Keramides, at about twelve miles north of Athens, half-way between Pentelicus and Mount Parnasse.

This morning the Minister of War, General Soutzo, called upon me to say that a gendarme had arrived with a message to the effect that in the course of yesterday the band had been observed near a place called Agios Mercurios, making towards Oropo, a village about twenty-five miles due north of Athens, near the channel between Eubœa and Attica; and General Soutzo presumes that their intention is to place their prisoners under shelter in the neighbourhood of Oropo, where they will have greater facilities of escaping than they had at Keramides. Two of the prisoners were on horseback, and I do not feel the least apprehension for their safety, as the brigands are now aware that they can when they choose obtain an exorbitant ransom, with liberty to convey it beyond the reach of the Greek authorities.

I still trust that I may be able to communicate to your Lordship the release of the whole party, by telegraph, long before this despatch reaches England.

I have, &c.

(Signed) E. M. ERSKINE.

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, April 27, 1870.

I INSTRUCTED you yesterday by telegraph to state to the Greek Government that Her Majesty's Government trust that no exertion will be spared for the destruction or capture of the rest of the brigands, and that those who have been already or may hereafter be captured will be visited with the severest punishment that can be inflicted by law on persons guilty of such atrocious crimes as those they have committed.

I further instructed you to obtain at once, if possible, the names and descriptions of the brigands still at large, especially that of the chief, and to inform Mr. Barron at Constantinople.

The object of this latter instruction was to enable Mr. Barron to denounce them more effectually to the Porte. For I desired Mr. Barron, by telegraph yesterday, to communicate with the Porte, and with reference to the possibility that the brigands, if hard pressed, might seek refuge in Turkish territory, I instructed him to press the Porte immediately to send orders to the Turkish frontier authorities to seize any such brigands, and deliver them at once to the Greek Government at Athens to be dealt with according to law; and I also desired him to apprise you, by telegraph, of the result.

The Turkish Ambassador in this country has most kindly and considerately sent by telegraph to his Government a message to the same effect, and in the strongest terms; and I have further instructed Mr. Barron this day by telegraph to submit to the Porte whether, with reference to the great importance of capturing the remainder of the band, it will not allow the Greek troops who may be on their track to pursue them into the Turkish territory, in the event of there being no Turkish troops at the time in the locality where the brigands may have crossed.

Musurus Pasha has further, at my request, asked permission for the Greek troops to pass the frontier in pursuit of the brigands; and he feels certain that the Porte will make no objection.

You will learn from Mr. Barron the result of the representations made to the Porte on this point.

I have received this morning your despatch of the 17th instant, and with reference to its contents I have at once instructed you by telegraph to use your utmost endeavours to obtain the fullest details respecting the visits alluded to in it as having been made to the brigands, and the source from which the advice given to them proceeded, together with all particulars as to the nature and purport of that advice; for it is essential that Her Majesty's Government should immediately have more complete information on these matters than is contained in your despatch.

Her Majesty's Government are also most anxious to learn under what circumstances the solemn assurances given to you not only by General Soutzo, but by the King and President of the Council, as reported in your despatch of the 12th of April, that most stringent orders should be given against any further pursuit of the brigands by the troops were not observed; whether the troops first attacked the brigands, or were first attacked by them; and whether any communication was made to you of the change of purpose announced to you in the first instance by General Soutzo.

I am, &c.

(Signed) CLARENDON.

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS.

GREECE. No. 3 (1870):

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—96.] Price 2d.

LIST OF PAPERS.

No.					Page
1.	Mr. Erskine to the Earl of Clarendon	..	..	..	April 21, 1870 1
	Seven Inclosures.				
2.	Mr. Erskine to the Earl of Clarendon	..	..	..	April 21, — 7
	Eight Inclosures.				

ERRATUM IN PART II.

In No. 2, last paragraph but one, for "17th instant," read "16th instant."

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Mr. Erskine to the Earl of Clarendon.—(Received April 29.)

My Lord,

Athens, April 21, 1870.

IN my despatch of the 16th instant I gave your Lordship the latest intelligence which had reached me up to that time as to the state of the negotiation for the release of the English gentlemen who have fallen into the hands of the brigands, and likewise as to their health. I now inclose copies and extracts of Mr. Herbert's subsequent correspondence with me, and likewise copy of a letter written by Mr. Lloyd to his wife.

As your Lordship will observe from these papers, the difficulty still is that the brigands insist on either an amnesty or a free pardon after trial and conviction by default; whereas the Government say that the former is directly contrary to an Article of the Constitution, and the latter unlawful, as the Crown cannot grant a pardon until the accused person has appeared before the competent Tribunal, and been tried and convicted; a process in which these men have not the least intention to acquiesce. If the brigands will content themselves with the exorbitant ransom which the prisoners have already consented to pay, the Government will give hostages who would accompany the band to the frontier, or until they feel completely safe. But neither Mr. Herbert nor the Government emissaries, have been able to induce Arvanitakis to accept these terms. In one of my recent letters to Mr. Herbert I asked him to sound the brigand chief (as if from himself) as to whether he would be disposed to leave the country on board a British vessel of war, but Mr. Herbert tells me that he showed no inclination to quit Greece if he can help it.

Complaints having been made by the Arvanitei that the Agents employed by Government were not of sufficient weight and standing, I persuaded M. Zaïmis to send off Colonel Théagénis, the Aide-de-camp of General Church, a gentleman of high character, who is intimately acquainted with the country and with the peculiarities of the people with whom he will have to deal.

Before starting, Colonel Théagénis received his instructions from the whole Cabinet in my presence, and I am bound to say that complete latitude has been left him as to the terms to be granted, except on the two points to which I have already adverted, and on which the Government cannot give way. In all other respects he is to be most conciliatory; and he was good enough to promise that he would himself accompany the brigands as a hostage, in case they could be induced to liberate the captives. He left Athens on the 19th instant, and reached the neighbourhood of Oropos the same evening, when he found that the brigands had taken possession of the three best houses in that village, where they had established their captives, threatening, however, that they would carry them off to Thessaly, unless the Government complied immediately with their demands. In addition to his letter of credence, and the verbal directions I have already mentioned, Colonel Théagénis is to be guided by an instruction, of which I inclose a translation, and which authorizes him to warn the brigands that they will not be allowed to carry off the prisoners from Oropos. A reasonable time will be given for negotiation; but they will be told very positively that the impunity they have hitherto enjoyed must not be considered as indefinite; and M. della Minerva and I did not think that we should be justified in requiring the Government to persist in the conciliatory course they have hitherto pursued, after it had proved abortive. The weather is so unfavourable that I fear the captives would be exposed to such severe

privations whilst being dragged about the country, day and night, in wet clothes, that we were reluctantly compelled to admit that a firmer tone must now be taken with these miscreants.

M. Zaïmis has assured both my Italian colleague and myself that upwards of 600 troops are collected in the immediate neighbourhood of Oropos; and, although there is not the least intention on their part to provoke a collision, they are fully authorized to employ force should it unfortunately be necessary to prevent the escape of the brigands and their captives.

Her Majesty's steamer "Cockatrice" arrived yesterday morning from Malta to render any assistance in her power, but, for the moment, I see no reason for sending her round to Oropos, and I think that she will be more useful here in case the brigands should make up their minds to accept the terms which have been offered them. If, as I hope, Colonel Théagénis should succeed in arranging for the release of the prisoners, the "Cockatrice" would probably convey their ransom to Oropos, where it could more readily be handed over to the brigands in exchange for our countrymen than if sent by land.

I think it right to mention to your Lordship that the French Minister has informed M. Valaority that Admiral Chevalier is most desirous to do anything in his power to facilitate the release of our countrymen, and he has even offered to land 300 men to assist in surrounding the brigands; but the Hellenic Government have not as yet accepted this offer, because they do not wish unnecessarily to alarm the brigands and perhaps drive them from a comparatively accessible part of the country. If necessary, however, the French squadron is within a few hours of Oropos, and would doubtless render valuable service in compelling the brigands to acquiesce in the terms which have been proposed to them.

Mr. Noel has also consented to do his utmost to persuade the brothers Arvanitaki not to persist in their present course. I mentioned to your Lordship in my despatch of the 12th instant, that I had requested this gentleman to come to our assistance. He is now, I believe, near Oropos with a brother of the two brigand chiefs, who is in his service, and who may have it in his power to persuade them to listen to reason.

I inclose an extract from the "Aion" newspaper, which usually supports Government, but which speaks in severe terms of the want of energy or ability shown by the Minister of War in this matter. I likewise inclose copies of the "Courrier d'Athènes," another Government paper, which gives a tolerably correct account of the whole affair, but which declares most positively that no intimation was given to the authorities by Her Majesty's Legation of the intended excursion of our countrymen to Marathon. I have requested Messrs. Zaïmis and Valaority to contradict this statement, as they are well aware that I sent twice to the Director of Police,—on the Saturday and Sunday preceding the occurrence,—to ask for a military escort, which was given; and it is my intention to write to the papers on the subject myself in case the promised contradiction is not inserted immediately.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure 1 in No. 1.

Mr. Herbert to Mr. Erskine.

(Extract.)

Near Oropos, April 16, 1870.

MANY thanks for your letter, which I got an hour ago. I am afraid matters are not progressing very well, for Arvanitakis, who has been engaged with the messengers ever since their arrival, insists on my writing to you what I wrote last time, viz., he desires me to tell you that, unless he has the money and his amnesty within two or three days, he will not release us, but will do the other thing. He is not disposed to talk to-night, but insists on my writing the above. By amnesty he does not understand anything but a guarantee that he and his band will not be molested for past offences. I have not spoken to the person sent, because I am not allowed to do so; but I doubt their having power to explain matters to him at all authoritatively. You mentioned that the King would pardon them if they were tried at Athens. They say they might be tried in their absence and pardoned. I suppose it would be impossible for the King to write a letter to you or Minerva, promising them freedom from punishment for past offences. My own opinion is that if it were not for the persistence of the Captain, the band would accept proffered terms. As it is I do not know what he will do, only he will not stay here long. He says he will wait here, or

near, for a few days for an answer. We know that he has private communications with Athens, on which I presume he acts.

We are tolerably comfortable here for the present, though I am afraid we are going to move. The Captain says he is going to mass to-morrow in the village church with all his band, and as at present arranged we are allowed to go too, which will be a very strange thing, only I do not believe it will be allowed. The priest came to pay the Captain a visit to-day, but he was not very amusing. I do not think we are very unhappy, though things are not exactly comfortable.

The Captain says he would throw away his gun at once if he could get pardoned. He is a hard man after letters come from Athens,—otherwise amiable, as are all the band. He fought the Turks and was wounded in Thessaly in 1867, but does not generally take credit for much patriotism.

Inclosure 2 in No. 1.

Mr. Herbert to Mr. Erskine.

Sunday morning.

(Received at 6.15 P.M. by Demarch of Oropos, on Monday, April 18.)

I DO not write to tell you any news. We have none; but the Demarch, to whom we all went this morning, was asked by Arvanitakis to go to Athens and explain the circumstances, as the brigand says the men sent from Athens have no weight whatever. As the Demarch seemed to interest himself much in the matter, and had a long explanation with Arvanitakis, we asked him to comply with the brigands' request; and that he might not be thought to be in collusion with the brigands, I gave him a line to Valaority telling him what took place this morning. We are anxious to see Dionysius, but probably he will turn up to-night. If we then have anything more to say I shall write again. This is only to explain the Demarch's journey, which is undertaken at the request of Arvanitakis, and I believe is suggested by purely philanthropic motives. I am afraid if things do not take a favourable turn soon, it will go badly with Boyl. For the rest we are well and kindly treated, and shall be so as long as the Captain believes, as he still does confidently, that the Government will find some means of granting him amnesty or pardon for all past offences which will not be contrary to the Constitution, for which, however, they have no respect.

(Signed) E. HERBERT,

Inclosure 3 in No. 1.

Mr. Herbert to Mr. Erskine.

April 17, 1870.

(Received 19th, at 7 P.M., by Dionysio.)

DIONYSIO turned up last night and brought us our letters. I have had a little conversation with the chief since the receipt of your letter. I need hardly say that he is thoroughly dissatisfied; whether time will bring him to his senses, or not, of course I do not know. I had better tell you what he says you ought to do, and you will judge how impracticable his views are. He says that the Representatives of England and Italy should say to the Greek Government that they do not care at all how the thing is done, whether by amnesty or no, whether an amnesty be legal or not, but that all they require is the return of their people, *faute de quoi* the fleets of England and Italy will destroy Greece. On such a representation, he says, the Greeks would find a way quickly, as he says they do not care for laws, &c. As I have given his message entire, I may as well include the postscript, which contains the usual threat in case his terms are not complied with. I think he is quite capable of executing his threat, but I can hardly imagine that either he or his band would throw away so large a sum of money merely because they failed to obtain a thing to which few of them attach much importance. Meanwhile, he is anxious to see the result of the Demarch's proceedings. I have no doubt the Government of the King will do what it can, but of course they see that having taken the matter up themselves, they have made it almost impossible for us to treat separately, because the interest shown by the Government, thoroughly kindly and sincere as it is, of course has a tendency to make them think that protection will be extended to us under all circumstances. Pray do not suppose we wish to lose that interest and protection,

for it seems now to be our only chance. He does not seem to entertain the idea of expatriation, but he asked Alexander some time after I had alluded to the subject, where Malta was. You see I tell you the facts just as they occur. I do not think he will make any distant move until he hears from the Demarch what are the views of the Government. He says always, that if they choose they can make things right. However that may be, I have by no means given up hope of a happy solution, though things are not progressing very favourably. Boyl is much better and we are all flourishing. I hope Valaority did not think I wrote to him for help; it was only because the Demarch seemed afraid of going to Athens on a brigand mission without some such letter, and I abstained from saying anything with reference to our circumstances. I hope, also, that you will assure M. Zaïmis we had nothing to do with a very silly letter written to him by Alexander. The captain always says the emissaries sent to him were not qualified to speak with authority, but he hopes to hear something by the Demarch.

(Signed) E. HERBERT.

P.S. (In letter of April 17, but probably written on the morning of April 19, Tuesday.)—The captain has made me add another postscript to say that if things were not settled to his satisfaction quickly, he means to take us into Thessaly.

Inclosure 4 in No. 1.

Mr. Lloyd to Mrs. Lloyd.

(Extract.)

Saturday, near Oropos.

THINGS are not looking so well, that is to say, I am afraid they will be protracted more than I had hoped. The difficulty is that our captor cannot trust the Government. He requires an amnesty for himself and his band; this, in the legal sense of the word, the King has no power to give. What he wants, in substance, is an assurance of pardon for all past misdeeds. I should suggest that this might be done by a letter from the King, addressed to the English and Italian Ministers, stating that if the Chief and his band will submit to trial and sentence, either by submitting themselves to the authorities at once, or by allowing sentence to go by default, the King will thereupon grant them a free pardon. I see no other way out of the difficulty. Further, it is of absolute necessity that the troops all over the kingdom should have precise orders not to molest our band in any movement of retreat; otherwise our lives will be in some danger. I should wish my letter, or its precise words, to be stated to Mr. Erskine. Herbert may very likely not feel entitled to write so strongly as I do, but I feel if something is not done at once, we may be in a very awkward position. Another thing most important is, that some man of real importance should conduct the negotiation. Do not be alarmed, but impress on Mr. Erskine and Lord Muncaster the necessity of satisfying the Chief. We are well treated, but very anxious, and shall probably be here or hereabouts for three or four days,—after, I know not where.

Inclosure 5 in No. 1.

M. Zaïmis to Lieutenant-Colonel Théagenis.

(Traduction.)

M. le Lieutenant-Colonel,

NOUS avons pris connaissance de la lettre que vous avez adressée à M. le Capitaine S. Apostolides par laquelle vous faites voir que vous soupçonnez le départ des Arvanitéi. Nous nous hâtons de vous transmettre l'ordre, en cas d'un refus de la part des Arvanitéi de délivrer les captifs en en recevant la rançon, de donner ordre aux détachements militaires de faire le blocus d'Oropos et d'en empêcher, de toute leur force, la sortie des Arvanitéi avec leurs captifs. Dès qu'ils seront étroitement cernés dans Oropos, vous proposerez de nouveau aux Arvanitéi qu'ils peuvent, après avoir reçu la rançon et délivré les captifs, se retirer où ils voudront.

Inclosure 6 in No. 1.

Extract from the "Ain" of April 14, 1870.

(Translation.)

WE will not undertake to describe the grief which the horrible and sinister event of Monday last has caused to the entire population of the capital. It is impossible for the pen to describe it. A most destructive epidemic could not, we believe, have made a deeper impression or have thrown our fellow-citizens into greater consternation. Independently of all political or party opinion, every one has felt that the blow affects not the Government but the State. Whatever curse impends over us, God knows; the sinister event of the 11th has taken place, just at the very moment when public opinion in Europe had taken a better view of the state of security in Greece; a considerable number of strangers had come to our country, and others, particularly countrymen of ours, were preparing to settle in Greece. This wound has been inflicted in a manner which unfortunately deprives us of the means to obliterate the evil impression which it has left. Both the place where this act of brigandage was committed, the neighbourhood of the very capital, and the hour, in full daylight, and the number of the brigands, above all the position of the captives, render this act of brigandage that which was required to wound the reputation of our State and re-open wounds which had hardly been healed from a series of long past events.

But it would be neglecting our duty not to insert here, besides ours, the judgment of others, which public opinion has passed upon the unfortunate event of the 11th. How is it that for months past, in the provinces of Continental Greece, the very nest of brigands, no act of brigandage has been heard of, and that the bands which formerly infested those provinces had suffered severe defeats, that acts of brigandage are committed under the eyes of Government, and before the very houses of the capital? How is it that formidable bands of brigands sojourn in the Province of Attica, warm themselves by the fires of Athens, whilst the Government, who have at their disposal numerous troops and a numerous staff of employés, and who possess all the means required to learn what occurs or is plotted in the province, ignores their existence, and neither succeeds in discovering or attacking them? It is an unquestionable fact that a month ago the bands of Spano and of the Arvanitaki had penetrated into and were roving about the Province of Attica, and that the Government had been informed of this, the necessary military force having been demanded for their discovery and pursuit? And, nevertheless, for whose sake was it that such gross negligence has taken place, and marked indifference in the steps taken? We reject the audacious supposition of some persons that the toleration of the bands of brigands in Attica, and the laxity manifested in their pursuit, are attributed to the position of the Minister of War, who, as one of the greatest proprietors in Attica, is obliged, in order to secure his property, to negotiate with the brigands and protect them. The character of the person accused does not permit such a supposition. We should, indeed, despair for public security in Greece, and even for all social and political ties, should such an accusation be proved against a Minister. Nevertheless, how can we deny the manifest relaxation in the pursuit of brigandage in Attica, the blind conviction that no danger exists for those who travel? After the event of last Monday, the conduct of those in charge of the pursuit of brigands, from the highest to the lowest, becomes inexplicable, nor must we be surprised if this has obtained for the above audacious supposition some public credence. For if the Government ignored what was known to private persons, as to the presence of bands of brigands in Attica, or, knowing it, failed to take measures against them, and left the public in unfounded confidence, no logic or argument can exonerate them from the responsibility.

Inclosure 7 in No. 1.

*Extract from the "Courrier d'Athènes" of April 16, 1870.**Athènes, le 15 Avril, 1870.*

LUNDI dernier, 12 Avril, vers les neuf heures du soir, tout à coup le Gouvernement a reçu la sinistre, la fatale nouvelle d'un acte de brigandage déplorable, désolant, qui vient de se produire à la distance de deux heures d'Athènes. Cette funeste nouvelle se répandit avec la rapidité de l'éclair et frappa la capitale de stupeur, comme d'un coup de foudre, et jeta les habitants dans une triste et profonde émotion. Nous croyons devoir donner à nos lecteurs le récit exact et détaillé de cet événement qui, depuis cinq jours, tient la population en émoi, et les hommes politiques dans la plus pénible préoccupation.

Dans la matinée de Lundi sont partis de l'Hôtel d'Angleterre, dans deux voitures, se dirigeant à Marathon pour visiter le champ de bataille, Lord Muncaster avec sa femme, M. Frédéric Vyner, Anglais, M. Herbert, Secrétaire de la Légation Anglaise, le Comte Buil, Secrétaire de la Légation Italienne, et M. Lloyd, avocat Anglais avec sa femme et sa jeune fille. Ces étrangers étaient accompagnés d'un domestique Italien et d'un des guides attachés au service de l'hôtel, Alexandre Anémoyannès, qui connaît la langue Anglaise. Sur la demande de ces étrangers, le commandant de la gendarmerie et le directeur de la police ont mis à leur disposition, suivant l'usage en pareille circonstance, quatre gendarmes à cheval, comme gardes pour les accompagner pendant leur excursion. Toutefois ces quatre gendarmes leur ont été donnés plutôt pour se conformer à un usage habituel que par des motifs de crainte réelle qu'aurait pu avoir le commandement de la gendarmerie ainsi que la police, au sujet de la sûreté des voyageurs dans leur excursion. L'autorité était intimement persuadée qu'il y avait pleine sûreté dans l'Attique, et qu'il n'y avait aucun danger pour qui que ce fût de la parcourir d'un bout à l'autre. Malheureusement cette excursion devait aboutir à un fatal et sinistre événement. Après avoir visité Marathon et les environs, les voyageurs revenaient à Athènes complètement satisfaits, lorsque à quatre heures et demie, au détour d'un chemin de Pikermis à Spata, aux confins des dèmes de Kropia et de Marathon, les voyageurs tombèrent dans une embuscade de brigands. Aussitôt que l'avant-garde des brigands parut, les deux gendarmes à cheval s'élancèrent contre elle, firent feu et dégainèrent; mais ils ne purent rien contre le grand nombre des brigands en face desquels ils se trouvèrent soudain; et ils avaient été mis hors de combat dès les premiers coups de feu, l'un ayant été blessé grièvement au menton et l'autre au ventre. Aussitôt les voitures furent entourées par plus de vingt brigands, et les étrangers qui étaient dedans furent obligés de descendre. A l'instant même les brigands enlevèrent à Madame Muncaster un bijou en diamant, et invitèrent tous les voyageurs capturés et les deux autres gendarmes à les suivre. Ils furent conduits dans un endroit à un quart d'heure de distance, dans la direction du Pantélique. Là ils étaient attendus et furent reçus par six autres brigands plus âgés. Ces derniers étaient les chefs Arbanitès et Spanos, à ce qu'on dit, avec leur état-major, auxquels furent remis les étrangers capturés. A ce moment est survenu un détachement de six soldats qui ouvrirent le feu contre les brigands; mais, d'un côté, le nombre de ceux-ci était bien plus grand, puisqu'ils étaient une trentaine, et, d'un autre côté, la menace qu'ils ont faite de tuer les prisonniers, si les détachements continuaient le feu, ont réduit les soldats à cesser l'attaque et à laisser les brigands se retirer tranquillement. Ne voulant pas sans doute avoir l'embarras de la présence des femmes, qui devaient gêner leurs mouvements, vers les sept heures du soir ils les ont mises en liberté; puis ils leur ont donné pour les accompagner le domestique Italien, et ils les ont conduites à cheval au village de Charvati, où les attendaient les voitures avec lesquelles elles sont revenues à Athènes. Avec ces dames sont aussi revenus les deux gendarmes blessés, qui ont reçu dans la voiture toute sorte de soins de la part de ces nobles Anglaises. Dès que les brigands furent arrivés dans leur camp, c'est-à-dire, dans leur repaire, ils ont donné à leurs prisonniers du papier, une plume et de l'encre, afin qu'ils annoncent à Athènes qu'ils ont été capturés, et qu'ils fassent connaître le montant des rançons exigées par eux pour les mettre en liberté. Au moment du départ des dames, le chef des brigands les rassura au sujet de la sûreté de la vie de leurs époux et de celles de leurs compagnons de voyage, ajoutant qu'ils leur donneront tous les soins possibles, et qu'elles les reverront aussitôt que les rançons seront payées. Les brigands ont demandé par leurs lettres, d'abord 32,000 livres sterlings pour mettre les prisonniers en liberté, et ensuite 50,000 autres livres, ou leur amnistie; et ils ont demandé en outre la suspension de toute poursuite de la part de la force publique jusqu'à la fin des pourparlers. Suivant nos informations, le Gouvernement, cédant aux représentations des Ministres Plénipotentiaires d'Angleterre et d'Italie et aux instances des femmes des prisonniers, a suspendu toute poursuite contre les brigands; et l'on attend au plus tôt leur délivrance. On ignore où ont été conduits les prisonniers et quelle direction ont prise les brigands, qui, naturellement, et vu qu'ils connaissent bien le pays, emploieront tous les moyens pour mettre leur butin en lieu sûr, et pour ne rendre à la liberté leurs prisonniers qu'après qu'ils auront assuré leur retraite contre tout danger.

Il serait difficile de dépeindre la douloureuse anxiété, les regrets mêlés de tristesse et de crainte qu'a causé à tous, sans distinction de parti, la situation de ces nobles étrangers, laquelle, vu les exigences des brigands, ne pouvait laisser sans inquiétude.

Les faits que nous connaissons plus tard nous feront voir si le brigandage a été poursuivi, s'il a été réprimé comme il devait l'être: mais néanmoins si, bien qu'il ait été réfréné, la bande des Arbanitès ayant échappé à la poursuite persévérante qui en a été faite en dernier lieu dans la Locride et la Béotie, est parvenue à pénétrer dans l'Attique et a osé perpétrer un crime exécrable, cela ne prouve pas que le brigandage n'a pas été poursuivi, e

encore moins qu'il est dans une situation florissante. En présence de ce grand malheur, de cette vraie calamité publique, nous ne pouvons nous défendre d'exprimer combien il nous est pénible que, dans ces tristes conjonctures, aucun des organes de l'Opposition ne nous ait épargné le regret de nous voir obligé de signaler la malveillance avec laquelle tous à l'envi ont cru qu'ils ne pouvaient avoir d'autre souci plus profitable à leur parti que de lancer contre le Ministère, à l'occasion de l'événement que déplore toute la population d'Athènes, des accusations qui n'ont de base que dans leur imaginative, accusations qui ne peuvent être considérées que comme tout-à-fait gratuites par la conscience publique, jusqu'à ce que la lumière puisse être portée dans l'obscurité qui enveloppe cet événement sinistre, dont il nous semble qu'on ne peut faire un grief pour personne, si ce n'est pour ceux qui ont perpétré le crime.

Des organes de l'Opposition ont dit, comme grief accusateur contre le Ministère, que M. le Ministre d'Angleterre a demandé au Gouvernement des renseignements sur la sûreté publique pour les communiquer aux voyageurs Anglais, et qu'il avait même réclamé au Gouvernement une force militaire pour les accompagner et les protéger durant leur excursion. Cette assertion des organes de l'Opposition est tout-à-fait mensongère. Aujourd'hui il est positif qu'il n'a été fait auprès de l'autorité aucune autre démarche, si ce n'est que avis d'une excursion à l'intérieur a été donné à la police, sans doute par le maître d'hôtel des voyageurs, et par la police au commandant de gendarmerie, pour qu'il donnât, suivant l'habitude, trois ou quatre gendarmes à cheval pour accompagner les voyageurs dans leur excursion. Mais ni le Ministre d'Angleterre, ni quelqu'un de sa part, ni aucune autre personne n'a donné avis au Gouvernement que des étrangers de distinction devaient aller hors d'Athènes; comme il n'a point été demandé non plus de renseignements sur l'état de la sûreté publique, dans le but, soit de les empêcher d'exécuter leur projet, soit de faire prendre au Gouvernement des mesures propres à les mettre à l'abri de tout danger pendant leur excursion. Mais malheureusement plusieurs circonstances viennent corroborer le soupçon que le projet de l'excursion que devait faire ces étrangers a été trahi d'ici même, et que les brigands en ont été instruits dans la Mégaride, où ils étaient poursuivis encore deux ou trois jours avant celui de l'événement.

Dans tous les cas, nous regardons comme très regrettable que M. le Président du Conseil se soit trouvé éloigné d'Athènes ces jours-là. Car quand nous nous rappelons que précédemment, dans une circonstance analogue, M. Zaïmis, inspiré par la prudence, et même malgré un avis contraire, a fait accompagner des voyageurs étrangers par une trentaine de soldats pour leur sûreté, nous ne pouvons nous refuser de croire que s'il eût été à Athènes lorsque ces étrangers de distinction ont voulu faire cette excursion, il aurait su prévenir cet événement, dont les effets pourraient être si funestes au pays.

No. 2.

Mr. Erskine to the Earl of Clarendon.—(Received April 29.)

My Lord,

Athens, April 21, 1870.

SINCE I addressed your Lordship this morning a messenger has arrived from Colonel Théagénis, who is the bearer of a letter to M. Zaïmis, containing so positive a refusal of the conditions he was authorized to propose to the brigands that he considers his mission at an end, and requests leave to return to Athens. If a translation of this letter can be prepared in time for this mail I will forward it in a postscript, but in the meantime I inclose copies of letters from Mr. Herbert and Mr. Lloyd, as also one from Mr. Noel, which will give your Lordship a sufficiently detailed account of the state of affairs.

M. della Minerva and I immediately met the Ministers in Council. M. Provelegios, Procureur-Général of the Court of Cassation, was sent for, and he concurred with the Ministers of Justice and of the Interior that the proposal made by the brigands, that a Court of Assize should be held at Oropos for the trial of the brigands, was altogether out of the question. There remained nothing, therefore, but the slight hope held out by Mr. Lloyd in his letter to Lord Muncaster, that the brigands might after all consent to leave the country in a British man-of-war.

I consequently saw Commander Prowse of the "Cockatrice," and having ascertained that he would, on my responsibility and requisition, receive these scoundrels on board, for removal to some place out of Greece, I made up my mind to sanction the arrangement.

A quarter of an hour afterwards a telegram arrived from Mr. Noel, from Chalcis, of which a translation is herewith inclosed, saying that the brigands were to go this evening to Sykamenon, a quarter of an hour from Oropos; that they must not be molested by the

troops, and that they would give way. I at the same time heard from M. Zaïmis that he had also received a telegram from Chalcis, which explained that what the brigands intended to accept was, that they should leave the country in a British vessel of war. All this may be a mere feint, to enable them to get to a place where escape would be less difficult than from Oropos; but at all events I have, without awaiting your Lordship's orders, assumed the grave responsibility of treating with the brigands on the terms I have mentioned.

I trust that your Lordship has not refused to sanction this measure, but an immediate decision on my part was indispensable to save the lives of the captives, and if I have done wrong I can only appeal to the indulgence of Her Majesty's Government.

By Mr. Noel's last telegram your Lordship will perceive that he has now come back to Oropos to negotiate, and I hope soon to be in a position to inform your Lordship that the ransom of 25,000*l.* has been paid to the brigands, that they have embarked on board the "*Cockatrice*," and are on their way to Malta; and finally, that the captives have been released.

Since I began this despatch another letter from Herbert, of which I transmit a copy, has been brought me dated this day. It is more hopeful than any I have yet received from him, although he does not seem to think that the brigands have yet made up their minds to banishment.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1 in No. 2.

Mr. Herbert to Mr. Erskine.

Oropos, April 20, 1870.

(Received at about 1 P.M. on Thursday, April 21.)

NOEL arrived last night and the Colonel this morning. They have had a good deal of conversation with the brigands, but have failed to come to any understanding. The former (Noel) will write to you his view of the case, and I do not doubt that Colonel Théagénis will inform the Government of the situation. Since their arrival I have had no talk with the Captain, but I understand that he and his band will not make submission at Athens or to any force of the Greek Government. What they demand is, that a "*Procureur du Roi*" should be sent to them, and that they should be tried and condemned here and then pardoned. Such trial would, of course, be a farce, if ever it could be arranged, though in substance it is no more a farce than their trial at Athens would be if they had the promise of a pardon. This is what I understand them to say now, and they seem little disposed to think of exile; but I have no doubt others will inform the Government more exactly of the state of things.

The Colonel tells me that the disposition of the troops is such that we cannot go north without a collision, and he seems satisfied that whatever the result to us of such collision, their speedy destruction would follow.

I do not know that I have more to say.

If things do not look bright, I do not see that they can be altered; so that we have but to make the best of them. If the Government could grant these terms, I believe we should be all right. If not, our only chance is that when they know the troops are sent out in force in Bœotia they may wish to save their lives. For the present, I do not think we run much risk unless we meet the soldiers, and in that case we shall have the satisfaction of believing that they will not go unpunished.

But the Captain desires me to say that he considers any movement of troops against him a violation of the written promise given him by you, which said he should not be molested, without adding anything about Attica.

He seems to think himself entitled, so long as he treats us well, to take us where he pleases; but there must of course be some limit to this.

At present we are on the frontiers of Bœotia, and I believe the Captain's wish is to move a little nearer Thebes,—that is, to get nearer a country he and his band know better than they do this.

The Captain desires me so say that since he has seen Colonel Théagénis' orders he does not feel himself safe even here, and requests a further assurance from you, in writing, as to where they are safe, and for how long.

He says he will wait till to-morrow night for an answer. Vyner is well, and, I think, pretty cheerful. Boyi, as I told you before, is better than he was. Noel may, I think,

be of great use to us ; but he seems to think that all the demands of the brigands ought to be complied with. Meanwhile the situation is not improving.

(Signed)

HERBERT.

Inclosure 2 in No. 2.

Mr. Lloyd to Lord Muncaster.

My dear Lord Muncaster,

Oropos, April 20, 1870.

I CANNOT say that negotiations have been satisfactory. The brigands will not agree to undergo imprisonment until trial, upon a promise of pardon ; because they say they have so often been deceived before, and I cannot undertake to say that any assurance of pardon, more formal and solemn than has hitherto been given would satisfy them. It might do so, and I think no means should be left untried to induce the Government to agree to this.

They propose as an alternative to surrender on parole, and go through their trial in some village in this neighbourhood. No doubt this would be informal, but we all know that for their own people no informality is too monstrous, and I therefore think the Government should be strongly pressed to concede, to provide the means of executing it. I shall be glad if you will show this letter to Erskine and support my views (if you can do so) with all your energy.

The brigands have promised Mr. Noel to take us off to the mountains, and keep us safely there for six months, if necessary, and I dare say they might so keep us for some time ; but if the Government did not come round in the end, I do not see that we should be any better off than now, perhaps worse, with the further risk of illness, &c. They have not absolutely declined the plan of expatriation, but I have much doubt if they would adopt it ; and besides, we are not able to promise it in definite terms.

Our great danger is, that they may determine to move into the arms of the troops. We shall do all we can to keep them in Attica, where I presume they will be safe for a few days longer ; more one can hardly expect. If it comes to a fight, I believe the force against them will be overpowering, and I hope it will be so. It will be hard to die, but some consolation if they are all exterminated as well.

Give my love to my wife and child. I shall not write to them till we leave this for the north, unless in the meantime we have another messenger from Athens. The present envoy is all that could be wished, but he has not done much.

With respect to the movements of the troops, you must remind Mr. Erskine that the undertaking on the part of the Government was that the brigands should not be molested as long as we were with them ; if their march is now interrupted they may have a right to complain of a breach of faith, for which we shall most undoubtedly and irremediably suffer.

Mr. Noel's man, who is a brother of the Chiefs, has just said that he believes they might accept expatriation if the trial, as they propose it, cannot be granted ; but get the trial if you possibly can.

The great thing is to gain time for negotiations, and not to hurry to an open conflict. I have suggested what I can to that effect, and leave it in your hands and those of our friends in Athens to do the best for us. You must not rely much on pressure to persuade these men to our terms.

With best wishes to Lady M. and yourself, yours very truly,

(Signed)

EDWARD LLOYD.

P.S.—The Chief says since he has seen the order now in the hands of Colonel Théagénis, viz., that they are not to be allowed to cross the Asopus. They cannot believe that they are safe even here, and they require some assurance from Erskine that they will not be molested in Attica, fixing the time they will wait here till to-morrow evening for an answer, which I beg you to procure without fail.

E. L.

Inclosure 3 in No. 2.

Mr. Noel to Mr. Erskine.

My dear Sir,

Oropos, April $\frac{8}{20}$, 1870.

I HAVE been here since this morning, and after every endeavour I am unable to come to any understanding with the brigand chiefs; they persist in being amnestied. They will not agree to deliver themselves up to the authorities, notwithstanding the King's promise of pardon after trial. From my acquaintance with the country and the people we have to deal with, some prompt measures must be taken in order to save the lives of the captives.

I know you will excuse my taking the liberty of writing thus freely, from your knowledge of the painful situation in which the captives are placed; however, I will write you again from Chalcis.

I am, &c.
(Signed) FRANK NOEL.

Inclosure 4 in No. 2.

Mr. Noel to Mr. Erskine.

(Translation.)

(Telegraphic.)

Chalcis, April 21, 1870, 1.40 P.M.

BRIGANDS this evening at Sykamenos, quarter of an hour from Oropos. Detachments must not pursue. Brigands will consent. Answer.

Inclosure 5 in No. 2.

Mr. Erskine to Mr. Noel.

(Telegraphic.)

Thursday, April 21, 1870, 3.30 P.M.

LE Gouvernement consent à ne pas les inquiéter à Sykamenos. Allez à Oropos avec l'Aphroessa et traitez pour l'embarquement à bord d'un navire de guerre Anglais.

Inclosure 6 in No. 2.

Mr. Noel to Mr. Erskine.

(Translation.)

(Telegraphic.)

Chalcis, April 21, 1870, 4.13 P.M.

I HAVE this moment received your telegram, and start for Oropos.

Inclosure 7 in No. 2.

Mr. Herbert to Mr. Erskine.

My dear Mr. Erskine,

Oropos, April 21, 1870.

THE question of the movement of the troops is at this moment the most urgent. Arvanitakis insists, with some reason, that as your letter to him made no mention of Attica, but only told him to take us into houses in the country, to treat us well, and to have no fear, he is not fairly dealt with when told he may not move. He says he can never stay long in any village, but he disclaims any idea of taking us north. He says he wishes to be near Chalcis, to make use of Noel as a negotiator, and of course he denies the right of any one to limit his movements. I think he has some grounds for saying he ought not to be attacked after the promise made to him, though, obviously, that promise could not be meant to be without limits. He is evidently getting more disposed to negotiate than he was, and I think if he is not molested for the next week or two, he will come to some terms, could the armistice be prolonged for a little time, and limited, perhaps, to Boeotia and Attica, or to the neighbourhood of Thebes and Chalcis, though the latter designation is perhaps too vague. We are to move to-day, but only to a village a quarter

of an hour distant on the other side of the river, and I do not suppose we shall be attacked there.

The Captain asks you to let Naso Yani Kosta (who was recently sent here) know that he expects him either to send the ornaments he ordered or the 30% which he gave him with which to buy them.

The band, I have no doubt, will come to terms. They strongly hope they may be tried by a Court in some village out here, and if that is impossible I think they will eventually accept exile. They have perfect confidence in the power of the British Government and Legation, though they will trust no Greek whatever, and for the latter reason I believe they would never go to prison for a day. I wonder whether the Turks would give them an amnesty.

(Signed) E. HERBERT.

Inclosure 8 in No. 2.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président,

Marcopoulo, le $\frac{8}{20}$ Avril, 1870.

CE matin, malgré la pluie, je me suis rendu à l'Echelle d'Oropos avec cinq des cavaliers sous mes ordres, pour y rencontrer M. Noel, arrivé de Chalcis avec un des frères des Arvanitéi : mais je n'ai pas pu l'y trouver ; car Christo Arvaniti avec quatre de ses compagnons s'était rendu dès le soir de la veille à la rencontre de son frère, et l'ayant pris avec lui ainsi que M. Noel il est allé au village d'Oropos, où sa bande et les prisonniers Européens sont installés.

Je me suis donc décidé de me rendre aussi au susdit village. A mon arrivée, j'ai trouvé les brigands devant la maison de Scourtanioti, qui me reçurent et me conduisirent à l'habitation des prisonniers. Je me suis empressé de remettre les lettres que j'avais à l'adresse de ces messieurs, sans avoir rencontré aucun obstacle.

Après quelques mots échangés, je me suis rendu avec Taco Arvaniti, qui se dit le chef de la bande, et avec M. Noel, dans une chambre à part, et j'ai commencé avec eux des pourparlers pour la délivrance des prisonniers. Je lui ai représenté d'un côté toutes les difficultés qui s'opposent à l'admission de leurs demandes, et d'autre tous les moyens que le Gouvernement veut bien mettre à sa disposition dans leur intérêt matériel aussi bien que pour la sûreté de sa bande, en lui faisant voir, en même temps, les périls certains et sa complète destruction s'il insistait à ses demandes impossibles et s'il continuait à détenir les étrangers. Je lui ai lu mes instructions, et je les ai commentées sous plus d'un point de vue, mais tout a été en vain. Ni lui, ni son frère Christo, qui est venu prendre part à la conversation, ont voulu consentir. C'est à l'amnistie qu'ils s'accrochent toujours ; et quand je leur ai expliqué que le Gouvernement est bien disposé même à cela, mais que ce n'est pas dans son pouvoir de la leur accorder, la Constitution s'y opposant, "Et qui est ce qui a fait la Constitution ?" m'ont-ils demandé. "La nation," leur répondis-je. "Eh bien ! que la nation s'assemble pour la modifier ; qui peut faire, peut aussi défaire. Nous ne sommes pas pressés, nous saurons attendre et dix mois même." "Comment, donc, en gardant les prisonniers ?" demandai-je. "Mais certainement," m'ont-ils répondu. "C'est Dieu qui nous les a envoyés pour nous sauver," &c.

Telles étaient en général leurs prétentions insensées. Ensuite nous sommes venu à parler de la mesure de leur grâce, et je les ai assurées que ceci est bien possible, la grâce étant une des prérogatives Royales, mais qu'un arrêt préalable est de rigueur. "Alors, qu'une Cour d'Assises vienne ici pour nous juger et nous condamner," répondirent-ils, "afin que la loi soit exécutée complètement."

Leurs prétentions, comme vous voyez, étaient aussi insensées que repoussantes. Quand je leur ai dit enfin qu'ils devaient rester à Oropos aussi bien en faveur des étrangers que pour leur propre sûreté—car ici ils ne sont pas poursuivis, tandis que s'ils se hasardaient de s'éloigner d'Oropos ils pourraient rencontrer des détachements qui pourraient très bien ne pas respecter l'inviolabilité qu'ils trouvent à Oropos, ils s'irritèrent et me dirent, "Nous le voyons très bien ; des embûches nous sont dressées, mais nous tuerons les prisonniers."

Après quelque temps ils ordonnèrent des préparatifs de départ et bientôt ils changèrent d'avis. Ils ont obligé cependant les prisonniers d'écrire à MM. les Ministres ces détails et de demander une réponse jusqu'à demain soir. Ils prétendaient que cette dernière résolution est contraire à celle prise précédemment, d'après laquelle ils avaient cru comme générale et absolue la promesse de se servir de maisons de campagne. Après

avoir maintes fois répété mes conseils, mais toujours sans aucun résultat, et ayant vu qu'aucun arrangement ne pouvait être espéré, mais qu'on répétait toujours qu'il voulaient sauver leurs têtes et les sauver sur le lieu même, j'ai été obligé de m'en aller.

D'après ce que j'ai compris de leurs expressions, je suis convaincu qu'ils espèrent que le Gouvernement sera obligé par MM. les Ministres d'accepter leurs propositions, quoique j'aie tâché de leur expliquer l'opinion de MM. les Ministres, qui approuvent les décisions du Gouvernement.

Il paraît qu'ils ont l'intention, ou plutôt la résolution, d'avancer vers la Béotie et plus en avant, et une attaque contre eux ne peut qu'exposer à un péril inévitable la vie des prisonniers, péril que prévoient parfaitement ces messieurs.

Demain, avec les cavaliers sous mes ordres, je me rends à Salessi pour communiquer à MM. les Capitaines Apostolidis et Liacopoulo, qui s'y trouvent, la résolution du Gouvernement d'empêcher, même par la force, l'avancement de la bande d'Arvanitéi vers la Béotie. C'est dans ce village que j'attendrai les ordres du Gouvernement, qui peut-être croit, comme moi, que ma mission est terminée après ce que j'ai eu l'honneur de lui exposer.

J'espère que le village de Salessi, ainsi que d'autres positions favorables, ont été aujourd'hui occupées par les soldats, comme du reste le démontre la lettre ci-incluse de M. Apostolidis. Ce qui m'a frappé cependant c'est que les brigands n'ont eu aucune connaissance des mesures qui sont prises.

Il y a quelques heures qu'un bateau-à-vapeur Royal est venu ancrer à l'Echelle d'Oropos. J'ai envoyé demander à M. le Commandant s'il avait apporté quelque chose ayant rapport à ma mission, et il m'a répondu qu'il ne faisait que croiser.

Agréez, &c.

(Signé) B. THEAGENIS.

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1870.*

GREECE. No. 4 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

Mr. Erskine to the Earl of Clarendon.—(Received May 1.)

My Lord,

Athens, April 23, 1870.

MY time has been so completely taken up this morning by the arrangements for landing the remains of Messrs. Herbert and Lloyd, and their funeral, which is to take place this afternoon, that I can only write hurriedly to your Lordship, and must defer till next post-day to report in more detail all the sad occurrences of the last few days.

I may mention, however, that I am in receipt of a considerable number of cyphered telegrams from your Lordship, almost all of which reached me in a more or less unintelligible condition, and all many hours after the captives had been killed.

I shall likewise by next mail answer your Lordship's questions as to certain discrepancies of dates in my telegrams, which I have not even had a single moment's leisure to go into as yet.

Mr. Herbert, as I reported by telegraph, was killed near Dhillissi on Thursday afternoon the 21st instant, and it was at first thought that the second body found was that of M. de Boyl, the Italian Secretary, but it was eventually recognized as that of Mr. Lloyd. The two other gentlemen, viz., Mr. Vyner and M. de Boyl, appear to have been killed a good way in the interior of the country, in the vicinity of Skimatari. Their bodies have not yet arrived, but the "Affroïssa," which brought round the remains of Messrs. Herbert and Lloyd this morning, will return for them to Chalcis immediately.

The details of the whole affair are more harrowing than I can now describe, but I shall attempt hereafter to give your Lordship an account of the way in which the bodies were mutilated.

The King called at Her Majesty's Legation yesterday to express his profound grief at the dreadful fate of these gentlemen, and the whole Diplomatic Body have waited upon me for the same purpose.

I inclose a translation of the deposition of the brigand Allexis, taken by the troops in the encounter near Dhillissi, which throws some light on the movements and proceedings of the brigands both before and after the capture. I transmit likewise a translation of a telegram on the subject of the collision from Colonel Théagénis, General Church's aide-de-camp, who had been sent to the brigands to endeavour to induce them to embark on board a British man-of-war, or leave the country by the Turkish frontier unmolested.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1.

Lieutenant-Colonel Théagénis to M. Zaimis.

(Translation.)

Schimatara, April $\frac{9}{21}$, 1870, 9.30 P.M.

THE band of the Arvanitéi has unfortunately put into execution the threatened murder of the ill-fated strangers, their captives.

After 2 o'clock P.M. to-day they passed the river, flying from Oropos. Immediately on learning this, the detachment under Captain Apostolidis and the Cavalry hastened to stop their flight, but they had great difficulty in crossing the River Asopo, it being swollen. The brigands in their hasty retreat, alas! murdered the strangers. The soldiers perceiving the slaughter got infuriated; the attack was most fiercely made; six of them have been found killed, and one has been captured alive. Amongst the dead were recog-

nized the two brigand Chiefs, Christos and Takos* Arvanitéi, and the remainder are probably wounded and hidden, because the last that left were only eight in number. The bodies of the murdered captives have been put on board the steamer; that of the youngest has been brought here.

(Signed)

B. THEAGENIS.

Inclosure 2.

Deposition of one of the Brigand Gang.

To the Ministers of the Interior and of Justice, Athens.

THE brigand Alexios Basileo Tossini, who was arrested, has undergone an examination. He states that the band started from a place about three hours distant from Vilia, some of the inhabitants of which place furnished them with food; that during the night they passed by Siossa on their way to Marathon, where they arrived on the morning of the day on which the capture took place; that they occupied from that morning the bridge on the Marathon road, and were there when the carriages of the captives were on their way to Marathon; that the captives were taken in the afternoon on their return from Marathon; that from this place they went to two huts near the Pentelicus, where they passed the night; that the day following two men in foustanel dress, having the air of military men, approached the band, conversed with them and departed; that he would recognize them if he saw them, but does not know who they were; that from there the brigands went to Oropos, and thence, by a concerted plan, they set out with a view to reach Agrapha with their captives; that they had come into contact with the Government troops; and that, according to the description given by some soldiers, he presumes Christos Arvanitaki has been killed.

This brigand will hereafter undergo another examination; meanwhile there is information that this man, with some others, kept guard over the two ill-fated Secretaries of Legation,† and that he himself is their murderer.

Chalcis, April 10, 1870, 4 o'clock P.M.

The Nomarch of Eubœa,

(Signed)

PH. MICHALOPOULOS.

The Procureur du Roi,

BEUTSI.

* Not confirmed.

† N.B.—The body supposed at first to be that of the Italian Secretary was that of Mr. Lloyd. It is here alluded to.

GREECE. No. 4 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS,

GREECE. No. 5 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—101.] *Price 2d.*

LIST OF PAPERS

No.						Page
1.	Mr. Erskine to the Earl of Clarendon	..	..	..	..	April 27, 1870 1
2.	Mr. Erskine to the Earl of Clarendon	..	..	.	..	April 28, — 1
	Mr. Erskine to the Earl of Clarendon	..	..	..	..	April 28, — 2
	Twelve Inclosures.					
4.	Sir A. Paget to the Earl of Clarendon	..	..	..	..	April 26, — 9
	One Inclosure.					

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Mr. Erskine to the Earl of Clarendon.—(Received May 6.)

My Lord,

Athens, April 27, 1870.

IN reply to your Lordship's telegram of the 20th instant, I have the honour to state that on sending Mr. Lambros to the Telegraph Office to inquire as to the discrepancy in the dates of my telegrams to your Lordship of Sunday and Monday, the 17th and 18th instant respectively, he brought me back the accompanying paper which he extracted from the office register, and which is signed by the clerk in charge, showing the hours and dates at which these telegrams were received and transmitted.

From this statement I gather that the first telegram, although written by me and handed to the messenger overnight, was not delivered to the Telegraph Office until 8 A.M. (the hour at which it opens) on the following morning, nor sent off until 10.40 A.M., probably because other telegrams had precedence. Now as your Lordship informs me that this telegram bore the office date of April 18, 8 P.M., it is clear either that it was not dispatched until twelve hours after it was delivered at the office, or that the date of transmission was erroneously given.

The second telegram, dated Monday night (April 18), is alleged to have been received at the office at 8.50 A.M., and sent on at 9.40 A.M. I have questioned the Legation messenger as to the hour at which he delivered this telegram, and he asserts very positively that it was at 8 o'clock, and not at 8.50 A.M.; and as he is a very careful man I am inclined to believe what he says. But I think your Lordship will see that the real mistake has been that the clerk here has in both cases entered the hours as P.M. instead of A.M.

I regret to add that the mistakes at the Telegraph Office here are so frequent that I despair of any real amendment until a very superior class of clerks is employed; and as this would imply a knowledge of French and English, and consequently a large increase of the rate of payment, there is, under present circumstances, but little hope of anything effectual being done.

Even telegrams *en clair* reach Athens in such a state as to be all but unintelligible, whilst it is the exception when those in cypher can be made out at all.

I have, &c.
(Signed) E. M. ERSKINE.

No. 2.

Mr. Erskine to the Earl of Clarendon.—(Received May 6.)

My Lord,

Athens, April 28, 1870.

I HAVE already informed your Lordship that the bodies of Mr. Herbert and Mr. Lloyd were brought up to Athens early on the 23rd instant, and deposited in the English Chapel.

The funeral took place at 4 P.M. on that day, in the presence of their Hellenic Majesties, the Archbishop of Athens, the Holy Synod, the Cabinet Ministers, the Diplomatic Body in uniform, and of most of the principal personages here.

In the absence of the Chaplain of Her Majesty's Legation, the funeral service was read by the Rev. Dr. Hill.

Although I had requested your Lordship to ascertain the wishes of Mr. Herbert's family as to his interment, I was recommended by the surgeon of the "Cockatrice" to proceed with the funeral at once, and I could not, therefore, wait to hear from your Lordship on the subject; but on the receipt of your telegram of the 24th instant, Mr. Herbert's body was disinterred, embalmed, and placed on board Her Majesty's steamer "Antelope" for removal to Malta.

Late at night on Sunday the 24th, the Greek gun-boat "Affroessa" returned from Dilessi, with the bodies of Mr. Vyner and Count de Boyl, which were landed on the following morning at the Piræus, in boats kindly placed at our disposal by the Russian Admiral, who throughout this sad affair has shown the most compassionate interest in the fate of our countrymen.

The coffins were carried to the railway station by sailors and marines from Her Majesty's ships "Cockatrice" and "Antelope," and followed, as in the case of Messrs. Herbert and Vyner, by boats from every vessel of war in the harbour.

Later in the day Count de Boyl's funeral took place from the Italian Legation, the same honours being paid to him as to Mr. Herbert.

On Tuesday afternoon the three bodies were re-conveyed to the Piræus and placed on board the "Antelope" with all due care and respect.

His Hellenic Majesty has since called on Mrs. Lloyd to express the grief with which he had learnt her bereavement, and nothing can exceed the kindness and sympathy he has shown to all who are affected by this terrible event.

From what His Majesty said, both to me and to Mrs. Lloyd, I infer that it is His Majesty's intention to provide amply for the family of the late Mr. Lloyd, and I am satisfied that it may safely be left to His Majesty to determine in what way this intention may most satisfactorily be carried into effect.

I am desirous of conveying to the Admiralty my warm approval of the tact which Commander Prowse has displayed in the necessarily complicated arrangements for landing the bodies, and subsequently carrying them to the English chapel and churchyard, and my admiration of the energy and good-will with which he and the officers and men of the two ships have laboured on this occasion; and, finally, I should feel much gratified if your Lordship would thank the Russian Government for the assistance afforded by Admiral Boutakoff.

I have, &c.
(Signed) E. M. ERSKINE.

No. 3.

Mr. Erskine to the Earl of Clarendon.—(Received May 6

My Lord,

Athens, April 28, 1870.

I REGRET that it has not been in my power to forward to your Lordship copies of my letters to Mr. Herbert respecting the steps which were being taken with a view to his release. These letters were usually written in great haste, and while a messenger was waiting for some urgent communication required by the brigands. Their tenor can, however, be gathered from Mr. Herbert's replies, copies of which were forwarded to your Lordship at the time. The only letter therefore which has been preserved is one I wrote on the 21st instant, the day of the catastrophe, and which was subsequently returned to me by General Soutzo unopened: a copy of that letter is inclosed herewith. I have to apologize to your Lordship for its informal tone, and I trust you will bear in mind that I had not then the least reason for supposing that Her Majesty's Government would sanction the proposed embarkation of the brigands. In fact, the measure was one of so unusual a nature that I hardly hoped it would be permitted.

The second paper sent herewith is an extract from the note-book of Mr. Lloyd, which was found on his body, and which has been copied for me by his widow. The third is an extract from Mr. Vyner's last letter to Lord Muncaster.

I likewise inclose copy of a letter from Mr. Noel, written after the event, and a copy of a note from M. Valaority, in answer to my remonstrance, shortly after the original capture.

No satisfactory evidence has yet been produced as to the immediate cause of the collision with the troops. The only living witnesses of what occurred at Sykamenon on the afternoon of the 21st instant are the Dragoman Alexander and the five brigands who

are now under examination, and whose depositions, or a summary of them, I shall forward to your Lordship hereafter. Nor am I aware of the existence of any testimony by an eye-witness as to the circumstances under which the captives were murdered, with the exception of Colonel Théagenis' report sent herewith.

Mr. Herbert and Mr. Lloyd were found lying dead, about twenty yards apart, near and on this side of Dilessi; that is to say, almost exactly on the line of boundary between Attica and Bœotia, five or six miles from Oropos. Both gentlemen had been stabbed repeatedly in the back, and Mr. Herbert had received cuts from a sabre or yataghan about the head and arm, besides three gun-shot wounds through the body. Mr. Lloyd, in addition to three wounds in the back, was shot behind the neck, and must have died instantaneously. I annex a report drawn up by Mr. Bolton, surgeon of the "Cockatrice," as to the condition of the four bodies when examined by him.

Little or nothing is yet known as to the last moments of Mr. Vyner and Count de Boyl, beyond the fact that their bodies were discovered some way beyond Dilisi, on the way to Schimitari. Mr. Vyner was shot through the heart and must have died instantly. I infer that he was killed by the brigands, as a pistol ball, which caused his death, dropped from his clothes on board the "Cockatrice," and is now in the possession of Mr. Watson; it is hardly conceivable that the troops were sufficiently close to use their pistols.

Mr. Yates, the Scotch engineer of the "Affroessa," has given me an account of the condition in which he discovered the bodies shortly after he came on shore, but I cannot recollect any particulars that throw much light on the cause of the actual collision. I requested him to give me a statement in writing of what he had seen, but being in the service of the Greek Government he appeared reluctant to do anything that might displease his employers.

I have, &c.
(Signed) E. M. ERSKINE.

P.S.—Since writing this despatch I have received the letter in which Colonel Théagenis transmitted two letters found on the brigands, translations of which are annexed.

E. M. E.

Inclosure 1 in No. 3.

Mr. Erskine to Mr. Herbert.

My dear Herbert,

Athens, April 21, Thursday, 7 o'clock.

TIME is so precious that I cannot answer your two last letters in detail, but I gather from them and from Noel's telegram that things look more promising, and that the Arvanitéi are at last disposed to treat. I have requested Noel to return to Oropos, or rather to Sykamenon, with this view; but as I had no opportunity of communicating with him in detail, I will now do so through you.

In the first place the idea of a special Court of Assizes at Oropos is, as you must have foreseen, altogether out of the question. You say yourself that they would not surrender to the authorities for a day, whereas all the usual forms would have to be gone through, and, in short, M. Privilegios, the first lawyer in Greece, has declared the thing impossible; on the other hand, a Turkish amnesty does not appear practicable. I cannot say whether the Turks would or would not agree to it, but it would take time which we have not at our disposal; and after all, perhaps, they would not trust the Turks more than they do their rivals—possibly less.

Remains, therefore, the question of exile in a British vessel, and although I have not a word on the subject from Lord Clarendon, I authorize you and Noel to propose to them to embark immediately on board the "Cockatrice," Commander Prowse, now here. The ransom would be on board, and would be given at once into their custody. I would give them a paper in the most authentic form in which it can be drawn up, pledging the honour of the British Government to their being conveyed safely to Malta (or wherever else they may select, but I cannot think of any country that would receive them), whence they would be at liberty to go with their ill-gotten wealth wherever they pleased. I need hardly tell you that they would be disarmed, but you need say nothing of this. Very possibly I may be disavowed and blamed for this, but there is no time to discuss the matter with Lord Clarendon and show him the urgency of the case, and I must take my chance. We are even thinking of sending the "Cockatrice" to-morrow with the ransom, and perhaps it might tempt Tako, if you took him on board and let him see it, leaving your companions to answer for the realization of our promises.

I really cannot enter into a discussion with Tako as to whether we have or we have not kept faith with him. Surely he cannot suppose that the Government ever meant to allow him to wander about the country with impunity. It would infallibly ruin your health, if it did not kill you, and it appears to me that as long as he is not molested where he is he ought not to complain. If he is in earnest he is far better at Oropos or Sykamenon than he could possibly be elsewhere. But I am again authorized by all the Ministers to say that let him not attempt to go away, and he will be allowed a reasonable time to complete his bargain.

In your interest believe me we must now be firm. Why should he care to move away except for an evil purpose? I gave his message about Naso Yanikosta and the 30% to Valaority, who sent off immediately for that worthy, and I trust he will force him to disgorge or send the ornaments. But I am not responsible for this little business.

Say to Mr. Lloyd that I will attend to his wishes as to the letter, but that I trust to return it to him before many hours are over.

These Greeks and Albanians take such a time to make up their minds that I am dreadfully afraid Lord Clarendon will come and put a spoke in my wheel; but still I have told Noel to negotiate and must stand by what I said.

Your ever,
(Signed) E. M. ERSKINE.

Inclosure 2 in No. 3.

Extracts from Mr. Lloyd's Note-Book.

Monday, April 11, 1870, 4.30 P.M.

Cold, mist, rain, 6 P.M. to 5.30 A.M.

Wood of Raphini, captured by band of Arvanitakis. Night on Pentelicus. Language-lesson to brigands. Supper on mountain, 2 A.M. Reached first Shemena in Stamata; little copse on hill-side; discussion of terms with brigands. Spend the day. Sixteen soldiers passed along road below in the afternoon. Alarm of all parties.

Tuesday.—8 P.M. to 6 A.M.

Left after dark along high road towards Cephissia. Halt in plain. Alarm of parties near. Brigands surround us, ready to shoot. Sleep on thorn bush. Resting-place in pine-wood. Very wet and cold. Brigand warms Dormouse (Mr. Vyner), by lying down close to him. Roused at dawn, and go to other pine-wood, a short way off, for the day.

Wednesday.

Day in pine-wood. Heavy rain. Caught two peasants, and borrowed their capotes for us. Lighted fire for toast, and broiled lamb. Sent off peasant with Muncaster at 9 A.M. After dark moved off to hut of peasants for night. De Boyl's servant came with grub.

Thursday.—Brigand reads two hours history—Keramide St. John.

Rainy and cold. Hut 60 × 20, our end badly closed by pine branches. Fires, but hard to keep warm. Roast lamb again, and more presents of liver. Evening came Dionys and agents from Athens. Scene by night—negotiating at one end, feasting at ours. Warmer at night, with my oilcloth from Poly.

Friday.—8 A.M. to 7.30 P.M. Very fine day, and view of Mount Delphi in Eubœa covered with snow.

Left at 8 A.M. 7 brigands, self on mule, Herbert and De Boyl on white horses, Dormouse on brown without saddle. Baggage horse. Other brigands to follow. Pass wood of Tatœ; defile. Magnificent view over Athens, W.; Eubœa, E. Halt almost in sight of guard-house to breakfast. By Pass of Deceleia, 3,000 feet above sea. Guard-house. Fraternise with four soldiers. Alarm on descending to plain. Alexander sent on with Erskine's toe (?) to troops seen below. Peace. Officer lunches with us and brigands. Across plain and through fine wooded country, Marcopoulo. Received by Demarch, and general fraternization with Albanian inhabitants. Fresh eggs. Reached village of Wallack shepherds.

Saturday.—Coraki.

Village twenty-five huts; shared one with Chief and five brigands, circular, 30 by 20 diameter. Five in middle; people make everything for selves; spinning and weaving. Hut pretty warm. Walked up to Acropolis; cloudy. View over Plain of Oropos, village of La Scala, and house of Paparigopoulos. Two agents from Athens. Dance of brigands.

Sunday.

Down to church in morning. Blessing of palms; had one. Visit to Demarch and house of Pap.: coffee and raki; friendly meeting. Demarch to go to Athens to negotiate.

Monday.

Jumping and throwing stone by brigands very good. Music at night, singing and fluting. Evening, came Dionys. and Grisner, who slept.

Tuesday.

Servants left. Afternoon marched over to Oropos; good house, room with fire-place, and seven brigands. Fine day and pleasant half-hour's walk.

Wednesday.

Very rainy. Colonel Théagenis come to treat; also Noel, who stopped all night. Long discussion as to terms.

Thursday.

Messenger fr. Athens. Armistice partly withdrawn. Troops *en cordon*. We not to move. Chief says he will go to a place a quarter of an hour off on Ocyoupos. Know troops are in force; danger impending. Love to J. and Erskines in worst case. Noel left early. Fine view of mountains in Eubœa. Covered with snow from Delphi to N.

Inclosure 3 in No. 3.

Mr. Vyner to Lord Muncaster.

(Extract.)

Saturday, 11.30 (apparently April 16).

THE Captain has just come in to say that should an amnesty, or rather an equivalent to it, not be given before the end of five days (Thursday), he will put an end to us; perhaps only a threat, but I think a serious one. The other thing he demands is, that an emissary of higher rank should be sent by Government, as these he deems as inferior men. At present we are comfortable, but I think he means moving us north. There is some one in the background at Athens, who fills his head with extravagant ideas; says you are the twelfth richest lord in England and first cousin of the Queen; but I think we have convinced him that it is untrue. . . . As long as things take a favourable turn, write to my mother; if the worst should come, to De Grey. Your letter dated Good Friday reached us only to-night at 8.30. I am strongly in favour of a responsible man being sent, as things have gone too far to be done by halves; and these scoundrels should be told what they can and what they cannot have, and not be put off by shuffling.

Inclosure 4 in No. 3.

Mr. Vyner to Lord Muncaster.

(Extract.)

Thursday, 6.15 A.M. (apparently April 21).

TELL Mr. Erskine I only wrote it because I thought that, coming from a private source, it might do good, and not from any want of confidence in him, to whom I am deeply grateful. Would it be possible to prevent the soldiers molesting us in Attica or some line drawn a little further north? as I have the faintest of hopes that, their progress being arrested north, and being forced to remain here, they might come to our terms

sooner. They have a horror of prison—mistrusting the Greek Government; but they have a full trust in the English Government, and put more trust in Erskine's pass than anything else. They urge that a Court should be sent here. Is this an evasion of law?

Inclosure 5 in No. 3.

Mr. Noel to Mr. Erskine.

My dear Sir,

Chalcis, April $\frac{10}{22}$, 1870.

THE sad news, of which you are fully acquainted, reached us at 12 o'clock last night. The death of the captives was certain, as I previously wrote, the moment the troops came into collision with the brigands. Before leaving yesterday morning the two brigand Chiefs promised me to accept the proposition of being conveyed away in an English man-of-war if their other propositions failed. This adds to the sadness of the case; for had the Government suspended all hostilities for only a few days longer, everything would have been arranged satisfactorily. I was with the captives up to 7 o'clock yesterday morning, and had the Nomarch, whose note I inclose, been more active, I might have been back in time to prevent the collision with the troops. As soon as I returned from Oropos yesterday my boat was arrested and boatmen threatened with being fined by the Telones, because I had departed last Tuesday without his leave. If you require any further particulars on this melancholy subject I shall be glad to supply them.

I have, &c.

(Signed) FRANK NOEL.

Inclosure 6 in No. 3.

M. Michalopoulos to Mr. Noel.

(Translation.)

Sir,

Chalcis, April $\frac{9}{21}$, 1870.

THE boat "Methoni" cannot possibly take you to Oropos, because it is intended for the duty of patrolling during night-time the two harbours and the neighbouring coast. It is therefore requisite that you should have recourse to a private boat.

I am, &c.

(Signed) TH. MICHALOPOULOS.

Inclosure 7 in No. 3.

M. Valaority to Mr. Erskine.

M. le Ministre,

Athènes, le $\frac{10}{22}$ Avril, 1870.

AU lieu de répondre à la communication que vous m'avez faite par votre office en date du ^{31 Mars,} _{12 Avril,} concernant l'arrestation et la séquestration de MM. Herbert, Secrétaire de la Légation de Sa Majesté Britannique, Vyner, et Lloyd, avec M. le Comte Boyl, Secrétaire de la Légation de Sa Majesté de Roi d'Italie, par les brigands, j'ai mieux aimé m'entendre avec vous, ainsi qu'avec M. le Ministre d'Italie, sur les mesures à prendre pour sauver la vie des prisonniers.

Malheureusement, et le Roi et son Gouvernement en déplorant cette calamité, tous les efforts, bien que poussés jusqu'à l'extrême limite de ce qu'il leur était possible de faire, sont restés infructueux.

Devant le dénouement terrible que vient d'avoir ce triste évènement, le Roi et son Gouvernement n'ont pas d'expressions pour vous en témoigner de leurs douloureux regrets, et il n'y a pas de sacrifices que mes collègues et moi ne nous imposerions pas, en ce qui nous concerne, pour en rendre l'expression solennelle.

Veuillez, &c.

(Signé) SPIRIDION VALAORITY.

Inclosure 8 in No. 3.

Report of Colonel Théagénis.

AUJOURD'HUI, dès le matin, me conformant aux ordres du Gouvernement, je me suis rendu au village de Salessi, dans le but de m'entendre avec les Capitaines Apostolidès et Liacopoulos sur les mesures que nous devons prendre pour cerner le village d'Oropò. A cet effet et après avoir pris l'avis de M. Apostolidès, j'ai mandé à M. Liacopoulos de venir avec la force armée sous ses ordres.

Nous espérions pouvoir cerner Oropò avant le départ des brigands, car nous croyions qu'ils auraient entrepris leur départ projeté pendant la nuit. Mais, contrairement à notre attente, les brigands se mirent à préparer leur départ vers deux heures de l'après midi. Dès que j'en fus informé par un homme que j'avais envoyé exprès, nommé Stavro Biati, habitant de Salessi, j'ai contremandé ma dépêche antérieure à M. Liacopoulos, puisque les circonstances étaient changées, et je l'ai invité de poster ses soldats sur les environs de Sycamino, d'où les brigands avaient l'intention de passer. En attendant, moi et M. Apostolidès, avec toute la force armée qui se trouvait auprès de nous, nous marchions vers Oropò. Mais en route nous avons appris de quelques villageois de Sycamino que les brigands d'Oropò venaient d'être aperçus près de leur village, après avoir traversé la Rivière d'Asopò ; et à la suite de cette information nous avons été obligés de changer notre plan, et de nous diriger aussi vers Sycamino dans l'intention d'y cerner la bande des brigands. La Rivière, pourtant, d'Asopò, qui, à cause des dernières pluies, avait monté, présentait de tels obstacles au passage des soldats que c'est avec peine que les cavaliers eux-mêmes ont pu la franchir. Ce retard a permis aux brigands de gagner de terrain en courant vers Dilessi ; les soldats les poursuivaient sans néanmoins arriver à un engagement avec eux, à cause de la distance qui les séparait ; des rares coups de fusil étaient seulement entendus tirer par les brigands.

En passant de Sycamino, les brigands avaient amené avec eux plusieurs villageois et quelques bergers ; ils conduisaient aussi à pied les malheureux prisonniers. Il paraît que leur plan était de mettre à couvert eux-mêmes, en exposant ces hommes au feu des soldats. Mais les villageois, ainsi que les bergers, n'ont pas tardé de se retirer, et il n'y restèrent que les prisonniers, qui étaient traînés de force. Lorsqu'ils approchèrent de Dilessi, et que les prisonniers épuisés de fatigue ne pouvaient plus suivre, les brigands ont premièrement tué les Secrétaires des Légations d'Italie et d'Angleterre, puis l'Avocat de la Compagnie du Chemin de Fer, et un peu plus tard le jeune Anglais.

Exaspérés par ces massacres, les soldats ont tiré sur les brigands et ils en tuèrent le Chef, Christo Arvaniti, et les brigands Yeroyanni, Elie Stathaki, Verfani, Tzakanica, Katarahia, Sotori Zioma, et ils blessèrent Alexi Chimarioti, qui a été fait prisonnier. Ce ne sont pas cependant les seuls. Il y a encore d'autres qui n'ont pas été trouvés, parcequ'une recherche minutieuse n'a pu être faite. Cela est à présumer du nombre de ceux qui sont encore poursuivis, qui ne sont pas plus de neuf, d'après les dernières informations. Quoi qu'il en soit la bande des Arvanitéi a gravement souffert, puisqu'elle a perdu Christo Arvaniti et les plus distingués de ses partisans. Si l'information erronée, qui m'avait été donnée et que j'ai télégraphiée au Gouvernement sur la mort de Taco Arvaniti, se vérifiait, on pouvait avec raison considérer cette bande comme tout-à-fait détruite.

La mort des quatre étrangers, si distingués, est certainement un grand malheur, mais leur délivrance n'était pas possible, si l'on prend en considération qu'on avait à faire avec des bêtes féroces auprès desquels tous nos efforts devaient échouer.

Des trois cadavres que le bateau à vapeur devait transporter, on n'a pas pu trouver que les deux ; le troisième, trouvé aujourd'hui, va être enterré ici avec le quatrième.

Toutes les exhortations et les ordres donnés aux soldats afin de préserver la vie des prisonniers ont été en vain, à cause de la férocité de ces scélérats, qui avaient décidé d'avance leur mort.

Pendant que les brigands paraissaient en quelque sorte tranquilles et espérants à Oropò, l'apparition du bateau à vapeur leur a suscité des craintes et des soupçons, qui ont hâté leur départ à une heure inaccoutumée, comme il résulte de la lettre ci-jointe, et ont fait manquer notre plan de cerner Oropò.

Votre, &c.
(Signé) B. THEAGENIS.

Inclosure 9 in No. 3.

Report of Dr. A. Bolton, M.B.

Mr. Herbert.—Two flesh wounds of right arm, one being situated three inches above the wrist and upon the external surface of the arm. It was an inch and a half long by an inch wide. The second was also upon the external surface of his arm, situated two inches below right shoulder. It measured three inches by four and extended almost into the shoulder-joint under the muscles. Both wounds exposed the bone. He had also three wounds of the head; one extending from the posterior and inferior angle of the right parietal bone to the molar bone; the bone being exposed for the whole length of the wound. The second wound of head extended from immediately below the tip of the right ear to the angle of the mouth and cut through the ramus of the lower jaw and divided the internal maxillary artery. The third wound of head (or rather of face) was made by a pointed instrument; it was situated in the right side of lower lip, and was an inch in width. The first two wounds were made from behind; the latter from in front. He also sustained three gun-shot wounds. One ball entered on right side of spine opposite third bone of sacrum, and travelled down to outer side of right thigh, at the junction of lower with middle third. The ball could be felt under the cuticle in this position. It was an inch long and conical at both ends. The other two shot wounds existed at the very extremity of the coccyx, and were about the sixth of an inch apart. They took a direction inwards and lodged in the pelvis. From the direction of these balls, I believe they were fired while Mr. Herbert was lying on the ground. I also think that they were inflicted by a single discharge. He was perfectly drained of blood, the hæmorrhage coming from the internal maxillary artery.

Mr. Lloyd.—There were three sword wounds and one gun-shot. The former were situated upon the right side of the body; two entered from behind. They penetrated the liver. The third entered below the lower edge of liver, and wounded the bowels in its course. The gun-shot wound was situated upon the top of the right shoulder. It was two inches in diameter, the charge entering the upper outlet of the thorax upon the right side. It must have been inflicted while Mr. Lloyd was down, as, from its direction, it could not possibly have been done while he was in a standing or running position. Two small wounds of exit existed at the right sterno-clavicular articulation. The greater portion of the charge remained inside the thorax. The right clavicle and several of the ribs were shattered. The skin around the wound and the hair upon the right side of the head were burned by the flash from the discharge.

Mr. Vyner.—April 24, 5 A.M.; Dilessi. Body in a running attitude; left leg being slightly flexed. Arms bent and held out slightly in front of chest. Features calm, and in no way indicative of having sustained pain. There was an immense quantity of condensed foam or saliva around the mouth, and this fact, when taken in connection with the muddy state of his trousers and boots, renders it probable that he must have run to the full extent of his endurance. He only sustained one wound, viz., a bullet wound. The ball entered on the left of the spine, opposite the centre of the dorsal vertebra, and after piercing the heart, made its exit half-an-inch below and an inch-and-a-half internal to the left breast (nipple). Death must have been instantaneous and painless. The body was not disfigured in any way.

M. Boyl.—Sustained two gun-shot wounds. The first entered immediately below the lower angle of the right scapula, and lodged in the right lung. The second entered three inches below the lower angle of left scapula, and made its exit on a level with and three inches to the right of umbilicus. He sustained no other wounds and was not disfigured.

No regular post-mortem of any of the bodies was made, as the cause of death in each case was too painfully evident.

(Signed) A. BOLTON, M.B.,
Her Majesty's ship "Cockatrice," Piræus.

P.S. April 26, 1870.—To-day we discovered in Mr. Vyner's clothes the bullet which inflicted the fatal wound in Mr. Vyner's case. It was an ordinary old-fashioned round ball, weighing about an ounce, and having the runner still attached to it. Some small portion of the runner had been cut off roughly. I think that the condition and kind of this ball proves that Mr. Vyner could not have been killed by a random shot from the soldiers.

(Signed) A. BOLTON, M.B.

Inclosure 10 in No. 3.

M. Théagénis to M. Zaimis.

Mon respectable M. Zaimis,

Schimatari, le $\frac{11}{23}$ Avril, 1870.

JE vous soumetts deux lettres, saisies l'une sur le Chef de brigands Christo Arvanitaki, l'autre sur un autre des brigands tués. Vous remarquerez dans l'une les conseils qui étaient donnés aux brigands, de persister à l'amnistie. Le nom qui paraît à la signature est, je crois, symbolique (fictif) ; celui également de compère, qui y est mentionné, est conventionnel. Vous apercevrez dans l'autre que celui qui écrit était un employé public, puisqu'il se plaint de sa revocation, ayant des rapports avec ses mêmes brigands.

M. Liacopoulo a une montre en or, ainsi que quelques autres petits bijoux appartenant à un des Anglais arrêtés par les brigands. Il vous les enverra.

Je vous, &c.

(Signé) THEAGENIS.

Inclosure 11 in No. 3.

M. Kolliote to M. Panaghi.

(Traduction.)

Mon ami M. Panaghi,

Kiourka, le $\frac{15}{27}$ Février, 1870.

JE m'empresse de demander par la présente des nouvelles de votre santé, qui nous est si précieuse, et si vous demandez pour la nôtre, grâces à Dieu nous nous portons bien. Je vous prie de m'envoyer par le porteur de cette lettre le pistolet que vous connaissez, c'est-à-dire, le pistolet de mon compère Clio Ghiliati, car je lui ai donné ma promesse ; c'est pour cela que j'envoie quelqu'un expressément, et vous m'obligerez si vous me l'envoyez. J'aurais voulu venir moi-même, mais je n'ai pas le temps, étant obligé de me rendre à Athènes, où MM. Koussei m'ont fait nommer à un autre poste.

Votre ami,

(Signé) KOLLIOTE.

Inclosure 12 in No. 3.

M. Yanon to MM. Demetrius and Christo.

Frères,

Chalcis, le $\frac{6}{18}$ Avril, 1870.

NOUS nous portons bien, et nous espérons que vous portez de même. Ce que vous avez fait pour les prisonniers est bien fait. D'après les informations que nos amis nous donnent ne demandez pas de l'argent. Vous devez insister autant que possible pour l'amnistie. Tous nos amis nous assurent que ceci se fera. Quand ils passeront par un certain endroit, ils seront à pied ; autrement, prenez garde d'envoyer quelqu'autre personne à notre compère. Nous avons aussi une commission que vous devez en tout cas recevoir. J'ai vu aujourd'hui notre compère, qui vous envoie ses compliments.

Je suis, &c.

(Signé) GEORGE YANON.

P.S.—Tenez bien à l'amnistie autant que vous pouvez.

A MM. Demetrius et Christo, partout où ils se trouvent.

No. 4.

Sir A. Paget to the Earl of Clarendon.—(Received May 5.)

My Lord,

Florence, April 26, 1870.

I HAVE the honour to inclose herewith an extract from the "Italie," giving a translation of an interpellation addressed in the Chamber of Deputies to Signor Visconti Venosta, relative to the recent deplorable occurrences in the neighbourhood of Athens, and to a conflict reported to have taken place between the Italians and the natives of Monte Video and Buenos Ayres, together with his Excellency's reply.

I have, &c.

(Signed) A. PAGET.

Inclosure in No. 4

Extract from the "Italie."

(Translation.)

The President.—The Honourable M. Sormani-Moretti is desirous of putting a question to the Minister for Foreign Affairs as to the measures which he will take in regard to the melancholy events which have occurred in Greece and in South America. I ask the Foreign Minister when he will reply.

M. Visconti-Venosta.—I am under the orders of the Chamber.

The President.—The question is postponed until to-morrow.

Cries of "No, no! To-day."

The President.—Then M. Sormani-Moretti can put his question.

M. Sormani-Moretti.—Grave and painful news has come from Athens and from South America. At Athens, one of our fellow-citizens, Count de Boyl, has been captured and murdered. At Monte Video, conflicts have taken place between Italians and natives, as also at Buenos Ayres. According to the reports in the papers, it is estimated that there have already been more than 300 victims. Our flag must cause Italian interests to be respected abroad.

I ask of the Foreign Minister what measures he intends taking in order to protect our settlers in South America, and to avenge the death of Count de Boyl.

M. Visconti-Venosta.—I thank the Honourable Sormani-Moretti for having made himself the interpreter of the grief of the country at the news of the death of our Agent, Count de Boyl. I can assure the Chamber that our Minister at Athens used every effort to obtain the release of Count de Boyl. He was authorized to pay the ransom, under the reservation of repayment. Up to the present time I have only received telegraphic news. I do not know the particulars and the circumstances of the catastrophe. When the Reports arrive the Ministry will see what share of the responsibility should fall upon the Hellenic Government.

In regard to the collision which is said to have taken place at Buenos Ayres, I have no precise information; I only know what certain papers have published. As soon as I am in possession of the official news I will inform the Honourable Sormani-Moretti.

The President.—Is M. Sormani-Moretti satisfied?

M. Sormani-Moretti.—After the assurances of the Honourable Minister, I shall wait until the necessary information is received.

GREECE. No. 5 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON

PRINTED BY HARRISON AND SONS.

273
GREECE. No. 6 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—102.] *Price 4d.*

LIST OF PAPERS.

No.					Page
1.	Mr. Erskine to the Earl of Clarendon	..	..	..	April 30, 1870 1
	Four Inclosures.				
2.	M. Brailas-Armeni to the Earl of Clarendon	..	..	..	May 6, — 4
3.	The Earl of Clarendon to M. Brailas-Armeni	..	..	..	May 7, — 5

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Mr. Erskine to the Earl of Clarendon.—(Received May 8.)

My Lord,

Athens, April 30, 1870.

IN accordance with the instructions contained in your Lordship's telegram of the 26th instant, I yesterday requested M. Valaority to have the dragoman Alexander examined in the presence of the Italian Minister and myself, and he at once agreed that we should meet for the purpose at the Foreign Office, at 3 o'clock in the afternoon.

It would have been quite useless to examine Count de Boyl's servant, a Piedmontese, who has only been three or four months in this country, who does not know a word of the language, and who was only present with the band for a couple of hours, when the travellers were first taken, returning to Athens with the ladies the same night.

I now inclose a translation of Alexander's deposition, as taken down by M. Valaority himself in our presence. I inclose also some notes which I drew up on my return home, as to what was said by Alexander, and which may, perhaps, throw some fresh light on the affair.

At my request, Commander Prowse has had the goodness to furnish me with a tracing from the Admiralty Chart, which I annex, and which may enable your Lordship to understand in some measure the topography of the scene of this disaster. I have marked the spot at which the bodies of two of the captives were found, and also the direction, as I gathered it from Alexander, in which the soldiers were approaching Sykamenos when first seen by Takos.

M. Valaority has promised me that he will allow me to be present to-night, or as soon as possible, at the examination of one or more of the wounded brigands.

I regret to say that there has been a mistake in the number of prisoners in the hands of the authorities. It was at first thought that there were five in all, that is to say, Alexis, who was sent by sea from Chalcis, and four others at Thebes; but, owing to one of the men being known by two names, he was counted twice over. In addition, therefore, to the seven brigands killed, there are four in the hands of justice—in all eleven—and ten at large, which accounts for the whole band.

Messrs. Zaïmis and Valaority having promised me that they would, as reported to your Lordship in my despatch of the 21st instant, correct a mis-statement as to the manner in which application was made for an escort, I waited some days in the hope that the promised rectification would appear; but M. Valaority at last admitted to me that the editor of the "*Courrier d'Athènes*" declined to insert the rectification. I consequently applied to the editor of the "*Aion*" newspaper on the subject, a copy of whose statement is transmitted herewith.

Since this despatch was begun I have been informed by M. Valaority that the Government have received intelligence, on which they implicitly rely, to the effect that Takos and three other wounded brigands are at this moment concealed in a cave in the Province of Megara; a detachment of picked men under a determined officer will start after dark this evening, and there seems to be every prospect that the wounded brigands will be either killed or taken.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1 in No. 1.

Deposition of Alexander Anemoyanni.

(Translation.)

ALEXANDER ANEMOYANNI, examined in the presence of the Ministers of England and Italy as to what took place during his stay at Oropos, and when they departed from that place, answered :—

On Thursday about 2 o'clock P.M. we left Oropos. The captain of the brigands, Takos, told me that we were to leave shortly that place ; he had, however, no knowledge of the existence of the troops, as we had not seen a single soldier. We forded the river on horseback, which operation lasted for some time, directing ourselves towards the village of Sykamenos, which was in front of us ; from thence only we perceived the military. The distance which separated us from the troops was about half-an-hour. Takos, alarmed by the presence of the troops, immediately ordered me to tell our officer, who was on the other side of the river, whose name, I believe, is Crochinopoulos, not to follow with his men. This person in reply told me to apply to Colonel Théagénis, which I did. I told this officer that the captives begged him to discontinue the pursuit of the brigands. M. Théagénis replied that the brigands would not be pursued if they remained where they were. This distance from Sykamenos to the place where I found M. Théagénis is not more than twenty minutes. The troops were divided into two bodies ; one of them separated from the brigands by the river, and the other with Colonel Théagénis on the same side as the brigands. Having received M. Théagénis' answer, I took the road to Sykamenos, and during the passage of half-an-hour I did not hear a single gun-shot. Only at that place I heard several gun-shots, and directed my steps towards Dilessi. On approaching I found two brigands who had been killed, and further on I saw the prisoner Alexis, and near him they were transporting the body of Mr. Lloyd. The Mayor of Oropos told me that there was also the body of Mr. Herbert. I did not perceive at all the cavalry, but merely the infantry.

Being examined as to whether during the sojourn of the brigands at Keramides and Oropos they had seen persons strangers to the band come to visit them, he replied that he had not seen any others but the three persons sent by Government, and another by name Sayani, and peasants of the place.

Examined also as to the ransom demanded by the brigands at first, that is, whether it is true that they would have been satisfied with the sum of 25,000*l.* or the amnesty, replied, that this they not only had told him (Anemoyanni), but also to Mr. Herbert. Next day, however, they changed their mind, and to my observation on such a change, Takos replied that he had never thought of such a thing, but that, perhaps, it may have been a misunderstanding.

The said Anemoyanni states that he had heard from the brigands that they had been since one, two, or eight days in Attica, with a view of capturing Serpieri. They said that they had friends in Athens. At Calivia, Takos told me, when I begged him to set the captives at liberty and content himself with the sum of 25,000*l.*, that from that sum other persons not belonging to his band had to take a share.

Inclosure 2 in No. 1.

*Minute of Examination of Alexander Anemoyanni, in the presence of Messrs. Valaority,
De la Minerva, and Erskine, April 29, 1870.*

ON being asked to describe what had occurred on the 21st April, he stated that he had left Oropos for Sykamenos, with the brigands and their captives, on that afternoon at about half-past 2 o'clock. That although the distance might be performed in a quarter of an hour it took them on this occasion upwards of an hour, owing to the River Asopos being much swollen by rain. They crossed it just opposite Sykamenon on four horses—ten brigands remaining on each side of the river. Nothing was seen of the troops the whole time. On their arrival at Sykamenos they established themselves in one of the best houses in the village, belonging to Paredros ; he, Alexander, being busy preparing to cook a hare procured by the brigands at Oropos. After about a quarter of an hour, Takos called his attention to a body of men hovering in the distance half-a-mile off up the Asopos, and on the right bank, in the direction of Parnes. After an anxious scrutiny of these soldiers, Takos desired Alexander to go off to them with the paper given him by the English Minister and warn them not to approach any nearer. Alexander at once did as he was desired, and in about twenty minutes was able to communicate with the officer

apparently in command—Krikeropoulos (?)—who was on the opposite side of the river. This officer declined, however, to take upon himself any responsibility, and referred Alexander to a group of persons who were advancing on his own (the left) side of the stream, and who proved to be Colonel Théagénis, an officer of rank (probably Colonel or Captain Apostolides), and their escort. Colonel Théagénis told Alexander with some warmth that Takos had been warned not to leave Oropos, and that he had no business to cross the stream. He desired Alexander to return to the village and caution the brigands that they must not stir from where they then were. Whilst this conversation was going on one of the partly suddenly drew the Colonel's attention to a body of men escaping from the village in the direction of Dilessi, and which evidently consisted of the brigands and their prisoners, with a number of peasants whom they had carried off to act as a rampart in case they were attacked. The troops immediately put an end to the conversation and started in pursuit—those on the right bank doubtless crossing over to join their companions. Alexander in the meantime went back to Sykamenos, where he found the people in great distress at the violence which had been used towards their relations, some of whom had been carried off to screen the retreat of the brigands and others from motives of personal vengeance. The brigands in the meantime were running up a steep acclivity in front of the village, and shortly afterwards Alexander, according to his own account, followed to convey Colonel Théagénis' message to Takos.

When he was within a few minutes of the top of the ascent, he heard shots fired; but as they proceeded from persons who were already out of sight, he affirms that he knows nothing as to how the conflict originated. As he approached Dilessi, he came upon two dead bodies of brigands, and was informed that others were lying about, and amongst them that of Christo Arvanitaki. He met also the prisoner Alexis Khornova being led away wounded by the crew of the "Affroessa," and soon afterwards he was shown the bodies of Mr. Herbert and Mr. Lloyd, the latter being taken for that of Count de Boyl, and Alexander's assertion to the contrary discredited.

There is no necessity for recording this part of his evidence, as we are already in possession of the facts of the case as derived from Mr. Yates and other more trustworthy eye-witnesses.

Alexander was then asked to state all he knew as to the persons by whom the brigands were visited at Keramidi, but he professed complete ignorance on the subject—those who wished to avoid notice being received by the brigands outside the hut and beyond the immediate vicinity of the prisoners. He would only own to having observed the three emissaries sent by Government, and two or three peasants who had been detained to enable Lord Muncaster to go into town. But on being confronted with Dionysios, Mr. Herbert's servant, who had been sent out to the prisoners from Athens with provisions, and who stated that he had seen two men drinking and singing with the brigands, one of whom he had subsequently met in the streets of Athens, and who had been pointed out to him as the brother of a brigand, Alexander admitted that he also had seen this man, and spoke of a second unknown individual as the owner of the barn in which our poor friends were quartered.

In short, no clue whatever was obtained as to the identity of the people who are pretended by the Government to be the abettors or instigators of this plot.

I questioned Alexander as to his alleged omission, whilst at the well on the Plain of Marathon, to inform the travellers that the officer commanding the military detachment they met wished them to drive slowly in order that the detachment might accompany them through the dangerous parts of the road; but Alexander indignantly denied that any such observation had been made to him, and related minutely what the guide, named Spiro, a native of Chemaria, had really said.

Although there is something false and fawning about this man's manner, I cannot say that I noticed more than the amount of reticence and concealment usual amongst Greeks.

Mr. Noël had been good enough to accompany me to the Foreign Office to repeat to Mr. Valaority what he had previously told me, namely, that he had seen a note in pencil from Colonel Jacopoulos to an officer named Leonidas Stamat, commanding the detachment at Dilessi, ordering him to proceed at once to Sykamenos, for the purpose of attacking the brigands in case they should pass that way. But it must be owned that even if the expressions in this note were exactly what Mr. Noël recollects them, they would not amount to much, as the immediate cause of collision was the attempt of the brigands to escape from Sykamenos, owing to the approach of a detachment from the right bank of the river, and there is no reason to suppose that the detachment stationed at Dilessi took part in the engagement. Besides, the note was not produced, and might depend upon a word.

The impression I brought away from this examination was, that Colonel Théagénis

had signally failed to carry out the conciliatory measures which were the main object of his mission; whereas he appears to have been chiefly intent upon surrounding the brigands by a military cordon, which was quite a secondary part of his duty. If our letters had reached Oropos in time to prepare the brigands for the sight of the troops the collision might perhaps have been avoided, and the band might have been induced to come to terms. To-morrow I am to assist at the examination of one or more of the captured brigands.

(Signed) E. M. ERSKINE.

Athens, April 29, 1870.

Inclosure 3 in No. 1.

Sketch referred to in Mr. Erskine's despatch.

Inclosure 4 in No. 1.

Extract from the "Αἰών" of April $\frac{15}{27}$, 1870.

THE assertion that the English Minister, Mr. Erskine, never informed the authorities of the intended excursion of his countrymen to Marathon, is unfounded. As customary, Mr. Erskine sent, on Saturday, the Clerk and Translator of the Legation, Mr. Lambros, to inform the Director of the Police that the excursion was fixed for Monday. The Secretary of Police, in the Director's absence, answered that he would do what was wanted, and arrange with the Mirarchy. In consequence, four mounted gendarmes were given, and orders sent to the commander of the detachment at Kephisia to see to the safety of the tourists; but these steps were rendered nugatory by the tourists not complying with the advice given them by the officer to go slowly, so as to enable the soldiers to keep up with them. A direct communication between Mr. Erskine and the Minister was altogether unnecessary. It might have been interpreted into a want of confidence in the repeated assurances of the Government as to public security. It has always been the custom to give information in this way of any intended excursion, and Mr. Erskine acted in the usual manner.

No. 2.

M. Brailas-Armeni to the Earl of Clarendon.—(Received May 7.)

My Lord,

Légation Hellénique, le 6 Mai, 1870.

JE remplis un très pénible devoir en me rendant auprès de votre Excellence, par l'ordre exprès de Sa Majesté le Roi mon Auguste Souverain et de son Gouvernement, l'interprète du profond chagrin et des douloureux regrets qu'ils éprouvent, avec la nation toute entière, pour la catastrophe horrible dont l'un des Secrétaires de la Légation de Sa Majesté Britannique à Athènes et deux de ses sujets ont été les victimes. La Grèce portera longtemps le deuil de ce terrible événement, qu'elle ressent comme une grande calamité nationale.

S'il m'était permis d'ajouter à ce témoignage solennel de la douleur de tout un peuple mes sentiments personnels, je n'aurais pas d'expressions pour vous dire, my Lord, qu'elle est la consternation dans laquelle m'a plongé ce crime atroce qui a coûté la vie à trois enfants de ce noble pays où je reçois tous les jours un accueil si hospitalier.

Veuillez bien, my Lord, agréer encore une fois ses profonds regrets et les sympathies douloureuses de mon Roi et de son Gouvernement, ainsi que les assurances, &c.

(Signé) P. BRAILAS-ARMENI.

(Translation.)

My Lord,

Hellenic Legation, May 6, 1870.

I FULFIL a very painful duty in interpreting to your Excellency, by order of His Majesty the King my August Sovereign and of his Government, the profound grief and painful regrets which they, as well as the whole nation, experience at the horrible

catastrophe of which one of the Secretaries of Her Majesty's Legation at Athens and two of her subjects have been the victims. Greece will long mourn this terrible event, which she feels as a great national calamity.

If I might be permitted to add my personal sentiments to this solemn assurance of the grief of a whole people, I should not find expressions to convey to you, my Lord, the consternation into which this atrocious crime, which has cost the life of three children of this noble country, where I every day receive so much hospitality, has plunged me.

I beg your Lordship to accept once more the profound regrets and the sorrowing sympathy of the King my Sovereign, together with the assurances, &c.

(Signed) P. BRAILAS-ARMENI.

No. 3.

The Earl of Clarendon to M. Brailas-Armeni.

M. le Ministre,

Foreign Office, May 7, 1870.

I HAVE the honour to acknowledge the receipt of your letter of the 6th of May, expressing, by order of the King your Sovereign and of his Government, the deep concern and sorrow which, with the entire nation, they feel at the horrible catastrophe of which one of the Secretaries of Her Britannic Majesty's Legation at Athens and two other of her subjects have been the victims. Greece, you say, will long mourn this terrible event, which she feels as a great national calamity; as for yourself, you add, M. le Ministre, that you could not find expressions to declare the consternation with which this atrocious crime has overwhelmed you, costing, as it has done, the life of three subjects of this country, in which you daily receive so much hospitality.

I have the honour to state to you, in reply, that I will not fail to make public your communication, as an evidence of the feeling which animates the Greek nation upon the horrible catastrophe which has brought disgrace on the country; and I must take this opportunity of repeating that which I verbally stated to you yesterday, that the best proof of the sorrow of the Greek Government will be found in the investigation of this atrocious crime being thorough, complete, and sincere, in its disregard of persons, of whatever category, whom it may reach, and having for its sole object the truth.

In demanding this, Her Majesty's Government do not go beyond the strictest requirements of justice; and if the Greek Government neglects this opportunity of purging the country from the scandal of general brigandage, when the nation is roused to a sense of its fatal consequences, it may never again recur, but it will be some satisfaction to Her Majesty's Government if the fate of their murdered countrymen should serve to improve the condition of Greece, in which England has always taken a lively interest.

I cannot omit this opportunity of acknowledging the deep sympathy and sincere regret manifested by the King; and I well know, from my communications with yourself, M. le Ministre, how profound has been your grief at the dreadful calamity that has occurred.

I am, &c.

(Signed) CLARENDON.

GREECE, No. 6 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS:

LIST OF PAPERS.

No.					Page
1.	The Earl of Clarendon to Mr. Erskine	..	..	..	April 28, 1870 1
2.	The Earl of Clarendon to Mr. Erskine	..	..	..	May 2, — 2
3.	The Earl of Clarendon to Mr. Barron	..	..	..	May 3, — 3
4.	Mr. Barron to the Earl of Clarendon	.	..	..	April 29, — 3
5.	Mr. Barron to the Earl of Clarendon	..	..	..	May 2, — 3
6.	Lord Muncaster to the Earl of Clarendon	..	..	..	May 10, — 4
7.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 1, — 4
	Four Inclosures.				
8.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 2, — 10
	One Inclosure.				
9.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 3, — 10
	Four Inclosures.				
10.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 4, — 12
11.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 5, — 12
	One Inclosure.				
12.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 5, — 16

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, April 28, 1870.

MY several telegrams will have conveyed to you such instructions as could conveniently be given to you by the electric telegraph, but the confused manner in which cypher telegrams from Greece reach this Office renders the use of cypher for communicating with you a very unsatisfactory, though it may be, when time is an object, a necessary method of correspondence.

I would not therefore, in my cypher telegrams of yesterday, make any detailed observations on your despatch of the 16th instant;* but that despatch has furnished materials for very serious consideration and inquiry. It suggests, on apparently the best authority, that, with a view to their own particular aggrandizement, certain leading politicians at Athens entered into communication with the brigands while in possession of their prisoners, and successfully urged them to insist on conditions which it was well known the Greek Government would not grant, but which, if acceded to, would have laid them open to reproach, which might be urged against them in Greece, but which, with a knowledge of what has passed in former times, would not be admitted as well-founded by foreign Powers, as having violated the Constitution in order to save the lives of foreigners, which, without such violation, must be sacrificed.

Now this is a very serious matter, and one on which Her Majesty's Government would, if it became necessary, have a right to insist on receiving complete and distinct information, which, however, they are convinced the Greek Government will of itself be ready and anxious to give. M. Zaïmis would scarcely have made to you the communication which he appears to have made, without having some foundation for it; and the honour of King George and of the Greek Government, and indeed of the Greek nation, imperatively calls for the most searching inquiry into so grave a matter. You will say this to M. Zaïmis, and you will offer such co-operation as you may have the means of affording for clearing up the point.

There is nothing as yet before Her Majesty's Government to throw light upon the fate of the dragoman Alexandros and of the Italian servant who were in attendance on the party. If they have escaped the massacre, and were not directly or indirectly in league with the brigands, and if they have returned to Athens, their testimony might be most important in clearing up the doubts by which the question is now beset. They should at once be examined and their evidence subjected to the severest scrutiny. Her Majesty's Government will not assume that either of them may have been in league with the brigands; but they may possibly have the means of indicating those who were. These may consist of two categories—one who gave information to the brigands of the projected excursion to Marathon, and the valuable prize that would await a well-concerted attempt to gain possession of the party; the other, who, when the capture was effected, encouraged, as I have said before, the brigands to insist on conditions which were known would scarcely be complied with. Each and every person coming within these categories should be immediately brought to trial, according to the several degrees of crime to which they were parties; and you will state to M. Zaïmis that Her Majesty's Government and the British nation will expect, and cannot doubt, that this will be done promptly and efficiently.

* See "Greece, No. 2," page 1.

It is a scandal to civilization and an offence to the Powers who called Greece into existence as an independent State, and as such have protected her, that, after the lapse of more than forty years, such things should occur.

I need scarcely say that Her Majesty, the Government, and the country at large look forward to your further and detailed reports with the greatest interest and anxiety. As yet, with the exception of your despatches of the 12th and 14th instant, received on the 22nd instant,* and that of the 16th instant received yesterday,† the only official information we have received is that which you have transmitted by telegraph; and, though I fully appreciate the activity you have shown in the employment of that means of communication, yet after all it affords but an insufficient and unsatisfactory channel of imparting intelligence of such momentous importance as that which it has been your painful duty to convey to this Office. But it affords me the greatest satisfaction to assure you that, as far as they have been enabled to judge of your conduct, it has met with general approbation, not only on the part of Her Majesty's Government, but on that also of Parliament and the public at large.

I am, &c.
(Signed) CLARENDON.

No. 2.

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, May 2, 1870.

I HAVE received your despatch of the 23rd April,‡ and your telegram of the 29th. In the former you inclose the deposition of one of the captured brigands; in the latter you report what had been elicited from the dragoman Alexander, at an examination at which the Italian Minister and yourself were present.

I telegraphed to you immediately not to let Alexander go. It is impossible to deny that a comparison of the brigand's evidence with Alexander's statement tends to throw great suspicion on the conduct of the latter.

It appears that the quarters of the brigand band were not in the neighbourhood of Marathon immediately preceding the attack, but at a short distance from a place named Vilia, not far from the upper waters of the Gulf of Lepanto, and a short distance to the south of Thebes, and that departing from thence they arrived in the morning of the day the capture took place and established themselves at the bridge near Marathon.

It seems highly probable that this movement originated in information sent to them from Athens at their quarters near Vilia; and who better than Alexander could have been acquainted with the time at which the travellers might be expected to arrive at the ambush?

But then comes Alexander's own account of his escape on the fatal day of the death of the captives: he did not, he says, witness their death, and consequently he was not carried off by the brigands with them. If he had not been in league with them, why, after having detained him for ten days, doubtless to serve as interpreter between them and their prisoners, did they let him depart unmolested on leaving Oropos, as the captured brigand says, for Agrapha, on the other side of Greece? This of itself leads to the inference that this was not the first occasion on which Alexander had been in relation with the brigands; at all events it suggests doubts which, even for the sake of Alexander himself, it is important to clear up.

The brigand, in his deposition, speaks of the band having been visited on the day after the capture by two persons in "foustanel" dress having the air of military men. If this means that the persons in question appeared to be of a different class from such as might be expected to be found in the mountains, and so far to have attracted the attention of the brigands, they surely must have been noticed by Alexander, and he might be able to give such a description of them as would lead to their detection, if their ordinary place of abode was Athens.

I have already authorized you to apply to the Greek Government to offer a reward for information which should lead to the arrest and conviction of any parties, whoever or wherever they may be, who have abetted the brigands, and even, if necessary, to offer one yourself, though after previous communication with the Greek Government.

From the brigand's confession it seems probable that the remainder of the band, if it escapes pursuit, may seek refuge in the neighbourhood of Agrapha, in the hope of finding, if hard pressed, refuge within the Turkish territory. I have apprized Mr. Barron of this,

* See "Greece, No. 1," pages 3 and 5.

† See "Greece, No. 2," page 1.

‡ See "Greece, No. 4."

and you will take care to keep him informed, as far as you can, of any other road towards the Turkish frontier which may be selected by the brigands.

I am, &c.
(Signed) CLARENDON.

No. 3.

The Earl of Clarendon to Mr. Barron.

Sir,

Foreign Office, May 3, 1870.

I THINK it convenient to record the instructions which I sent you by telegraph on the 26th and 27th April, and 2nd May, in anticipation of the brigands concerned in the capture and massacre of the British prisoners seeking refuge in Turkish territory. In the first of these telegrams I instructed you to request the Porte to give orders to its frontier authorities to arrest and deliver over to the Greek authorities any such persons whom it might apprehend.

In the second I instructed you to suggest to the Porte to allow Greek troops on the track of any of the brigands to continue their pursuit even on Turkish territory.

In the third I desired you to request the Porte to cause the frontier near Agrapha more especially to be watched, as it seemed likely, from the confession of one of the captured brigands, that the band might proceed in that direction.

The Turkish Ambassador in this country, to whom I have successively made known the nature of the instructions sent to you, has most warmly entered into the wishes of Her Majesty's Government, and from his Excellency as well as from yourself I have received, by the channel of the telegraph, the most satisfactory assurances of the friendly disposition of the Turkish Government, and of the readiness with which they had provided for giving effect to them.

I am, &c.
(Signed) CLARENDON.

No. 4.

Mr. Barron to the Earl of Clarendon.—(Received May 10.)

My Lord,

Constantinople, April 29, 1870.

I COMMUNICATED your telegraphic instructions of the 26th in the morning of the 27th to Aali Pasha, at the same time requesting, on behalf of Her Majesty's Government, that the Porte would send orders by telegraph to the frontier authorities to arrest and deliver to the Greek authorities any of the brigands implicated in the Oropos massacre who should take refuge on Turkish territory. I received a promise that this would be done, and I can assure your Lordship that telegraphic orders to this effect were despatched on the same day to the Vali of Janina, to the Mutessarif of Tricala, and to the General in command of the division on the frontier.

I have, &c.
(Signed) H. BARRON.

No. 5.

Mr. Barron to the Earl of Clarendon.—(Received May 10.)

My Lord,

Constantinople, May 2, 1870.

I LOST no time, on the receipt of your telegram of 27th April, in carrying out your Lordship's instructions by asking Aali Pasha, with reference to the great importance of capturing the remainder of the Greek band of brigands, whether the Porte would allow any Greek troops who might be close on their track, to follow them into Turkish territory, in the event of there being no Turkish troops at hand, adding that Musurus Pasha had expressed an opinion that no objection would be made.

His Highness replied that the Porte could make no difficulty in complying with your Lordship's request, especially as Article V of the Convention of 20th April, 1856, expressly provides for such a contingency:—

“ Si un détachement de poursuite atteignait la ligne frontière en suivant la trace des

brigands, il pourra continuer à leur donner la chasse, jusqu'à ce qu'il ait rencontré un détachement de l'autre Etat. Arrivé là il cessera la poursuite, après avoir indiqué à ce dernier la direction des brigands, à moins que son concours ne soit demandé par l'officier commandant ce détachement, auquel cas il sera obligé de lui donner son appui."

I have, nevertheless, obtained a promise that Aali Pasha would remind the Vali of Janina by telegraph of these provisions of the Treaty, in order that no possible doubt or hesitation should occur.

I have this day received your Lordship's telegram of this date, and have seen Aali Pasha with a view to have the Agrapha frontier carefully watched. His Highness assured me that orders would be sent accordingly to the frontier authorities.

I have, &c.
(Signed) H. BARRON.

No. 6.

Lord Muncaster to the Earl of Clarendon.—(Received May 10.)

My Lord,

1, Richmond Terrace, Whitehall, May 10, 1870.

MY attention has been directed to a statement in the papers (No. 6) of the "Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece," and headed Inclosure 4 in No. 1, extract from the "*Ατῶν*" of April $\frac{1}{2}\frac{5}{7}$, 1870, in line 6 of which extract appears:—"In consequence, four mounted gendarmes were given, and orders sent to the commander of the detachment at Kephisia to see to the safety of the tourists; but these steps were rendered nugatory by the tourists not complying with the advice given them by the officer to go slowly, so as to enable the soldiers to keep up with them."

I beg leave to state to your Lordship what happened to my knowledge on that subject. On leaving Athens about 6 A.M. on Monday, the 11th April, we were preceded by two mounted gendarmes, and followed by two others. We were not told or in way informed of any other escort having been warned on our account; but on leaving Marathon, about 2.30 P.M., we passed from thirteen to fifteen soldiers on foot, and I asked the dragoman, Alexander, "What are those soldiers doing?" He replied, "They have nothing to do with you; they are police on duty in the mountains, and are returning to Athens," or words to that effect.

About 3 P.M. we stopped at a watering-place; and the second carriage, in which Mr. Lloyd was, came up there to ours, and he said, "I gave the leader of those soldiers 25 drachmas, was it enough?" I said to Alexander, "You hear what Mr. Lloyd has done; was it enough to give?" Alexander made a gesture of surprise, and replied, "Those men had nothing to do with you." If any words passed between Alexander and any of the soldiers, we were entirely ignorant of them, or of their meaning, as we did not understand the language; and we had not the slightest idea of the soldiers having been sent as our escort, or that they had requested us to go slowly, in order that they might keep up with the carriages. The place where the capture was effected, was at least six miles further on nearer to Athens.

I have, &c.
(Signed) MUNCASTER.

No. 7.

Mr. Erskine to the Earl of Clarendon.—(Received May 12.)

My Lord,

Athens, May 1, 1870.

AT half-past eight last night I accompanied the Minister for Foreign Affairs and the Italian Minister to the prison, to be present at the examination of the four wounded brigands who were captured on or after the 21st of April.

Their names are:—

Alexis Khormova, one of the first taken, and who was brought to Athens by sea;

Pericles Lioris, a native of Vilia in the Province of Megara;

Costa Agraphiotis, alias Monachos, from the Turkish village of Derkli;

Photis Economos, alias Miutzithras;

all young villainous-looking men; two of them being so badly wounded that they could not sit up, and were examined in their cells.

The Advocate-Fiscal was present, but took little or no part in the examination, which was conducted principally by M. Valaority, I and the Italian Minister occasionally

suggesting questions, which, as well as the answers, were taken down by a person who accompanied M. Valaority. A copy of those minutes will be furnished to me as soon as it can be prepared. The Advocate-Fiscal had previously examined the prisoners, and the whole of the proceedings will be communicated to Her Majesty's Government hereafter: but I will in the meantime endeavour to give your Lordship a general idea of the statements made by these men. They all profess, and I daresay truly, to have been mere instruments in the hands of their Chiefs Tako and Christo Arvanitaki, whom they obeyed as implicitly as a soldier obeys his officer, or, according to their own expression, they were their slaves. As a rule they were not consulted as to what was going to be done. When desired by Tako to take their guns and follow him they did so, but occasionally they were told the essential points of what was going on; and they all said repeatedly that they should have been quite satisfied to take the ransom offered and abandon the amnesty, although they would have been very glad to get that also. Tako, they said, cared more for the amnesty, money being with him a secondary consideration, as he had already accumulated 40,000 drachmas; whereas these young men were still poor. On my asking Pericles why, if the band generally disapproved Tako's obstinacy on this head, they did not oblige him to take the money and release the prisoners, he said that they were much divided among themselves; that Tako was surrounded by a sort of body-guard, consisting of six persons, who were all his near relations or countrymen, whilst he and Zomas were the only members of the band from this part of the country, and that they could not induce the others to combine for any purpose. In short, Tako and Christo seemed to have done pretty much as they liked.

According to the statement of all the prisoners, they entered Attica six or eight days before the capture. On one occasion they just missed capturing a party of American tourists, and they do not appear to have come especially for the party which unhappily fell into their hands on the 11th April.

One of them mentioned that they were waiting for a brother of the Arvanitaki, in the service of Mr. Noel, with whose assistance from Athens their operations were to be conducted. This man is, probably, a certain Dino or Constantino, who is believed to be now at Salonica, and for whose extradition the Greek Government have applied to the Porte. He was suggested to me by the Minister of War, on the 12th April,* as a proper person to open communication with the brigands; or the statement of the brigands may apply to another of these brothers, named George, also in Mr. Noel's service, who is accused of being the author of the letter found upon Christo after his death, of which a copy was inclosed in my despatch to your Lordship of the 28th ultimo, and who is now in prison at Athens.

The movements of the band, up to their arrival at Sykamenon on the 21st of April, are so well known that I will not trouble your Lordship with an account of what they said on this subject; they did not appear to know anything of the secret emissaries who are alleged to have been in communication with them, whilst they were at Keramidi, between the 13th and 15th; all such matters, as they continually repeated, being left to the management of their Chiefs.

We questioned them very closely as to the cause of the actual collision on the 21st, and they all agreed that, on perceiving that they were being gradually hemmed in by the troops, they were told by Tako to resume their march, which they said was to have been towards the Turkish frontier, but without, as far as they knew, any fixed point. After leaving Sykamenon they were pursued by the troops, who commenced firing from a distance, and several of their party were wounded; the fire, they said, was of course returned, but owing to the distance from which the soldiers fired, and the inferiority of the brigands' arms, they knew that their fire must be ineffectual, and they only discharged their guns to make a show of defence.

Each of the prisoners pretends to have been wounded quite at the outset of the conflict, and, of course, none of them will own to having had any hand in the murder of the captives. Mr. Herbert, they allege, was being dragged along in the custody of Barbayanni and Katarachias, by one or both of whom he was killed.

One man (I think Costa, *alias* Monachos) said that when Barbayanni was wounded and fell, his companion Katarachias fell upon Mr. Herbert with his yataghan and dispatched him. Another (I think Pericles) said that Mr. Lloyd was eventually shot by Elia Stathaki, one of the men whose heads were exposed here.

They professed to know nothing as to the murder of Mr. Vyner and Count de Boyl, and, as was to be expected, they attributed the death of all the captives to men who were killed by the soldiers, and who could no longer be affected by the charge.

Some state that they had been a fortnight in Attica; others, six, eight, or nine days;

* See "Greece, No. 1," page 3.

† See "Greece, No. 5," page 2.

but they never appeared to take any exact account of time. The original theory, therefore, of General Soutzo and others that the band had come all the way from the neighbourhood of Vilia, in Megara, to Pikermes in one night is disproved, as much as anything can be disproved by the evidence of such persons.

They admit that Tako was wounded in the head, and that he had been so demoralised by the death of his brother Christo, and by the disastrous turn events had taken, that his presence of mind completely deserted him.

He repeatedly exclaimed that he now bitterly repented not having accepted the ransom, and asked his companions to put an end to him.

Of course, anything that is said by such scoundrels as these men is little deserving of belief; but as I was present when they were questioned, immediately after their arrival from Thebes, I have thought it right to give your Lordship my impression of the examination.

I have, &c.

(Signed) E. M. ERSKINE.

P.S., May 2nd.—Since this despatch was written M. Valaority has communicated to me a translation of the notes taken on this occasion, of which copies are annexed.

E. M. E.

Inclosure 1 in No. 7.

Examination of Pericles Lori.

LE brigand Pericles Lori a exposé—

Qu'il est du village de Vilia ;

Que la bande des Arvaniti, dont il forme part depuis une année, est entrée en Grèce dans le mois de Janvier de l'année courante ; que cette entrée n'a été conseillée par personne, que la bande fut battue d'abord à Levadia, où elle a eu des membres tués ou blessés ;

Qu'ensuite elle s'est rendue à Rifzona, où elle a été battue une seconde fois, et de là à Himadia dans le village de Vilia, où elle recevait des secours par les paysans ;

Qu'il ne se rappelle pas le jour où la bande est arrivée à Marathon, mais il pense qu'elle s'y trouvait quinze jours avant le dernier brigandage ;

Que les Chefs de la bande, qui étaient Christo et Tako Arvaniti, Démos Patzaoura et quelques autres, connaissant que des touristes visitent d'ordinaire à cette époque le village de Marathon, les y avaient conduits et mis en embuscade ;

Qu'en effet, cinq ou six jours avant le fait de Pikermi la bande a fallu prendre prisonniers des touristes Américains ;

Que cet échec ne découragea pas les Chefs, qui décidèrent de rôder aux alentours en attente d'autres touristes qui, disaient-ils, allaient arriver ;

Que les mouvements de la bande étaient ordonnés par les Chefs, qui n'en parlaient point aux autres membres ;

Qu'il n'était pas dans la confiance d'aucun des Chefs, attendu qu'il était étranger à la pluralité des brigands, qui étaient originaires de la Turquie ;

Que le confidant de Tako et de Christo était leur cousin Elie ;

Que de même que l'exposant d'autres aussi de la bande se plaignaient de ce que les Chefs ne prenaient pas grand soin d'eux ;

Que pendant que les Chefs recevaient des bergers du lait, du fromage, et du pain, de bonne qualité, les membres subalternes de la bande se nourrissaient de farine, qu'ils boulangeaient eux-mêmes et faisaient cuire sous les cendres ;

Que deux jours (*sic*) avant le fait de Pikermi, comme ils rôdaient aux alentours, ils ont vu les infortunés prisonniers se rendant à Marathon ; que n'ayant eu le temps de s'en emparer ils se mirent en embuscade et les prirent au retour ; qu'à ce qu'ils surent après, il y avait un peu plus loin d'eux un détachement militaire ;

Qu'aussitôt qu'ils se sont emparés des voyageurs, ils crièrent au cicerone de faire en sorte que le détachement ci-dessus, qui dans le temps était arrivé dans le lieu, ne fit feu ;

Qu'en effet le cicerone, remuant un mouchoir blanc, empêcha le détachement de charger la bande ;

Qu'il ne se rappelle pas l'endroit où ils ont conduit les prisonniers après le fait de Pikermi, parce que la nuit était déjà tombée et il ne pouvait pas s'apercevoir des lieux qu'ils traversaient ;

Qu'après le départ du Lord Muncaster (qui était désigné par eux par l'épithète de

“grand”—ὁ μέγας) ils reçurent la visite d'un domestique des touristes, porteur de comestibles ;

Que le jour après, le soir, d'autres encore qu'il ne connaissait pas, mais parmi lesquels il se rappelle d'avoir vu le Capitaine Gako, Nasso, Seliami, Liaco, vinrent voir les Chefs ;

Qu'il ne lui a été possible d'apprendre ce que les nouveaux arrivés avaient dit aux Chefs de la bande, parce que ceux-ci ne communiquaient pas qu'entre eux ce qu'ils pensaient de faire ou les nouvelles qu'ils recevaient ;

Qu'ils se sont rendus à Oropos pour que les prisonniers y pussent être plus à leur aise, la pluie qui tombait à verse les ayant fait souffrir ;

Que les Chefs, après avoir dit à Lord Muncaster que, pour relâcher les prisonniers ils exigeaient la rançon de 25,000 livres sterling ou l'amnistie, ensuite ont changé d'opinion et ont mis comme condition au relâchement l'un et l'autre ;

Que les membres subalternes de la bande, parmi lesquels il y avait l'exposant lui-même, conseillaient les Chefs de se borner à la rançon ; mais Tacos et Christos répondaient qu'ils étaient parfaitement indifférents au sujet de l'argent, mais qu'ils tenaient beaucoup à l'amnistie ; qu'en effet Tacos et son frère avaient beaucoup d'argent ;

Que Tacos exerçait sur la bande une autorité absolue, attendu qu'il y avait parmi les membres, outre son frère Christos, quatre de ses consius, Demos, Patzaoura, Lareada et Elie, au moyen desquels il imposait aux autres ;

Que les lettres qui arrivaient aux Chefs étaient lues par un certain Zomas, de Thèbes ;

Que si la rançon eut été apportée, les membres subalternes de la bande se seraient révolté contre les Chefs et ils s'en auraient emparés et enfuis ;

Qu'il ignore si Tacos, en avançant la condition, y avait été poussé par des conseils qui lui venaient de dehors, attendu que, arrivée que fut la bande à Oropos, les Chefs, suivis des prisonniers, s'établirent dans des maisons, tandis que les membres subalternes avaient logé dans les cabanes ;

Que comme après le désastre les restes de la bande en faisaient reproche à Tacos, celui-ci leur répondait en pleurant que la faute n'était pas à lui, mais à ceux qui lui écrivaient de Chalcide d'insister sur l'amnistie ;*

Qu'il qualifiait les personnes susmentionnées du titre de μεγάλοι (hauts personnages) sans pourtant en mentionner les noms ;

Qu'il ignore si des conseils du même genre avaient été donnés à Tacos d'Athènes aussi ;

Qu'après être restés deux ou trois jours à Oropos, les Chefs ne considérant pas cette place trop sûre, décidèrent de se rendre à Sykamenos, où ils avaient déjà fait apprêter des logements ;

Qu'en effet ils se mirent en route sans savoir qu'aux alentours il y avait des détachements ;

Que les Chefs ayant exprimé aux envoyés qui étaient arrivés d'Athènes l'idée de se rendre à Sykamenos, furent conseillés par eux à ne bouger pas et à accepter la rançon sans insister sur l'amnistie, afin qu'ils n'eussent à s'en repentir (comme ces envoyés leur dirent) ;

Que cette phrase alarma les Chefs, qui dès lors décidèrent à effectuer leur retraite sur Sykamenos ;

Qu'il ignore si les personnes arrivés d'Athènes ont fait aux Chefs d'autres propositions ayant trait au transport de la bande à l'étranger, &c. ;

Qu'arrivée à Sykamenos, la bande fut prévenue par l'avant-garde qu'il y avait des troupes, parmi lesquelles une quarantaine de chevaux ; qu'alors Tacos tira de sa ceinture un papier qu'il donna au cicerone avec l'ordre de se présenter aux troupes et leur demander le passage libre ;

Qu'en attendant la réponse la bande se mit de côté, mais le cicerone n'étant revenu, elle continua sa marche sur Dilesi ;

Qu'après une heure environ les troupes ont ouvert le feu ;

Qu'alors la bande jeta les capotes et se mit à courir à toutes jambes, suivie des prisonniers ;

Que ceux-ci étaient gardés par les Chefs, l'un desquels, Christo Arvanitis, étant blessé n'était armé que d'un pistolet ;

Qu'ayant aperçu les troupes, les Chefs crièrent, “ Ne faites pas feu ; ” mais celles-là, aussitôt que la bande fut au tir des fusils, fit feu sur elle et lui (l'exposant) étant dans l'avant-garde, fut le premier à être blessé ;

Que la bande n'a riposté au feu des troupes qu'à son arrivée à Dilesi ;

* See Inclosure 12 in despatch of April 28 (“Greece No. 5,” page 9), that is to say, the letter found on Christo's dead body, and signed by Mr. Noel's man, George Yanon, a brother of the Arvanitèi.—E.M.E.

Qu'il n'a pu voir le meurtre des prisonniers, attendu qu'à cause de sa blessure il marchait avant eux soutenu par deux de ses compagnons; mais il a appris ensuite par ceux-ci que le nommé Catarrahias, un des brigands de la bande, en avait tué quelqu'un.

Inclosure 2 in No. 7.

Examination of Costa.

LE brigand Costa expose :—

Que l'idée de l'amnistie fut donnée aux Chefs par Lord Muncaster lui-même ;

Que Tacos demanda la rançon de 50,000 livres sterling, ou 25,000*l.* seulement et l'amnistie ;

Que le soir du jour où la bande fut attaquée par les troupes, Tacos répondant aux reproches que lui faisaient ses compagnons d'avoir été la cause du dénouement sinistre de l'affaire, leur dit que la faute n'était pas à lui, mais à de hauts personnages qui lui conseillaient d'insister sur l'amnistie ;

Que M. Théagénis dit aux Chefs que l'amnistie ne pouvait leur être accordée, qu'ils devaient se contenter de la rançon, qu'ils auraient eue sauver la vie, et qu'ils feraient bien de rester à Oropos ;

Qu'il ignore si M. Théagénis garantit aux Chefs la retraite ;

Que malgré cela les Chefs insistèrent sur l'amnistie, parcequ'ils avaient toujours l'espérance d'y réussir, mais ils auraient fini par accepter ses offres si dans quelques jours ils se seraient convaincus que toute espérance était perdue ;

Que Tacos agissait en maître envers le reste de la bande, qui, toutefois, l'aurait abandonné si la rançon eut été payée ;

Qu'ayant décidé de se rendre à Sykamenos ils avaient l'intention de continuer leur route sur Lévadie, et de là, par la Phtiotide, vers la Turquie ;

Qu'arrivés à Sykamenos ils s'aperçurent de la présence des troupes, auxquelles ils envoyèrent le cicerone afin de prévenir qu'elles fissent feu ;

Que le cicerone n'étant revenu, la bande jeta les capotes et continua à toutes jambes sa marche par crainte d'être entourée ;

Qu'une demie-heure environ après ils rencontrèrent les troupes, qui firent feu sur elle ;

Qu'arrivée à Dilesi, la bande fut chargée de front et par derrière par les troupes, et la cavalerie avança pour la faire reculer ;

Que les brigands Catarrhia et Barbayanni furent tués par les troupes ;

Que Mr. Herbert (désigné par les brigands par l'épithète "l'homme à la barbe longue") marchait au milieu de ces deux brigands, qui l'y aidaient, et qui le tuèrent aussi, voyant qu'il ne pouvait continuer sa marche ;

Que Mr. Lloyd (qualifié du titre de *ὁ ἀνγευμένος*—"marié") fut tué après que les troupes ont tué Christo et d'autres brigands ;

Qu'il a appris plus tard tout cela de ses compagnons, parceque, étant blessé, il marchait en avant et il ne pouvait par conséquent voir ce qui se passait derrière lui ;

Que c'est pour cela qu'il ignore aussi les meurtriers de M. Boyl (de "l'Italien" comme les brigands l'appelaient) ;

Quant à Mr. Vyner ("l'enfant" selon les brigands), il a appris qu'il avait été tué par Xephloudas, parceque ayant perdu les forces il ne pouvait continuer sa marche ;

Que la bande, tout en connaissant que les armes ne les auraient pas atteintes, a riposté au feu des troupes, qui étaient à la distance d'un quart d'heure environ d'elle ;

Que Tacos, qui dans la mêlée avait été blessé à la tête, s'était repenti de n'avoir accepté la rançon ; et il pleurait et criait par la douleur d'avoir perdu son frère et ses compagnons, et par crainte des conséquences du désastre ;

Qu'il ignore si Tacos, en insistant sur l'amnistie, y était poussé par dehors, mais avant la capture des Anglais il disait que son frère allait arriver d'Athènes ;

Que pas un des membres de la bande est jamais venu à Athènes ;

Qu'ils savaient que des touristes seraient passés par la place où ils étaient en embuscade depuis plusieurs jours ;

Que six jours avant le fait de Pikermi ils avaient fallu capturer d'autres touristes ;

Qu'ils ne connaissaient pas avec qui ils avaient affaire ;*

Que Tacos ne tenait conseil qu'avec ses confidants ;

* This is confirmed by Lord and Lady Muncaster and Mr. Lloyd, who describe their dancing and singing for joy when they discovered whom they had taken.—E.M.E.

Qu'il ignore si Tacos a reçu des lettres, mais il l'a vu plusieurs fois parler avec ceux qui apportaient à la bande des vivres ;

Que des frères de Tacos il ne connaissait pas que celui qui est au service d'un Franc en Chalcide (Noël) ;

Qu'il ignore ce que les frères ont dit entre eux ;

Qu'il ne connaissait pas les lieux, n'étant pas du pays ;

Que la bande des Arvaniti n'est pas en bons termes avec celle de Spanos, attendu que celle-ci rançonne les parents des Chefs de l'autre ;

Qu'il ignore comment Catarrahià a tué Mr. Herbert ;

Que Mr. Lloyd a été tué par Stathaki ;

Qu'il n'a pas vu tuer ni M. Boyl ni Mr. Vyner, parceque, comme il a dit plus haut, il était blessé et marchait en avant ;

Et que de Sykamenos à la place où Mr. Herbert fut tué, il y avait, selon lui, une distance de deux heures environ.

Inclosure 3 in No. 7.

Examination of Alexis Tzounis.

LE brigand Alexis Tzounis expose lui aussi que si la bande a insisté sur l'amnistie, cela a dépendu de Tacos, qui y dominait d'une manière absolue ;

Que d'abord Tacos avait accepté la proposition de Lord Muncaster, d'avoir la rançon de 25,000 livres sterling ou l'amnistie, mais ensuite il s'en repentit et mit toutes les deux conditions au relâchement des prisonniers ;

Qu'il ignore si Tacos reçut des lettres d'Athènes ou d'ailleurs ;

Que cinq individus sont arrivés d'Athènes à l'endroit où campait la bande ;

Que Dinos, le frère de Tacos, lui était parfaitement inconnu ;

Que la bande s'est éloignée de Sykamenos précédée par les prisonniers, qui étaient gardés par Tacos lui-même ;

Qu'il ignore qui fut qui tua les prisonniers, mais que ce furent les troupes qui firent feu pour les premières.

Inclosure 4 in No. 7.

Examination of Photi Conemos.

LE brigand Photi Conemos, originaire d'Agrapha, expose :—

Que Mr. Herbert fut tué par Catarrahia et Barbayanni ;

Que quant à Mr. Lloyd, il croit que ce fut Tzacanicas qui le tua ;

Qu'il ignore parfaitement qui fut le meurtrier de MM. Boyl et Vyner ;

Qu'étant blessé il précédait la bande, soutenu par ses compagnons, et il ne pouvait pas, par conséquent, s'apercevoir de ce qui se passait derrière lui ;

Que les membres subalternes de la bande avaient conseillé à Tacos d'accepter la rançon et de n'insister pas sur l'amnistie ; mais Tacos, étant très bien fourni d'argent, a refusé ;

Qu'il ignore le motif qui poussait Tacos à insister sur l'amnistie et à refuser l'argent ;

Que cinq ou six jours avant le dernier brigandage la bande avait vu d'autres touristes traverser la route dans les environs de laquelle ils rôdaient ;

Qu'elle avait résolu de s'en emparer, mais le temps lui a manqué ;

Qu'ils sont partis de Vilia, où ils étaient depuis quatre ou cinq jours ;*

Qu'ils avaient résolu d'abandonner Sykamenos parcequ'ils s'aperçurent de la présence des troupes ; et,

Que Mr. Herbert fut tué par Catarrahia et Barbayanni : celui-ci donna un coup de yataghan dans la nuque, à la suite duquel il tomba visage contre terre ; alors Catarrahia le dépêcha.

* Contradicting, therefore, the original statement of the brigand Alexis Tzounis, at Chalcis.

No. 8.

Mr. Erskine to the Earl of Clarendon.—(Received May 12.)

My Lord,

Athens, May 2, 1870.

WITH reference to my despatch of the 21st April,* reporting the despatch of Colonel Théagénis to treat with the brigands on behalf of the Government, I have the honour to transmit to your Lordship, herewith, a translation of the instructions given to that officer by the Council of Ministers. I had frequently applied to M. Valaority for a copy of this document, but in all the hurry and confusion of the last fortnight the matter was overlooked, and I have only just received it.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 8.

The Council of Ministers to Lieutenant-Colonel Théagénis.

(Traduction du Grec.)

M. Théagénis,

Athènes, le $\frac{6}{18}$ Avril, 1870.

VOUS savez le douloureux événement de la capture de deux Secrétaires de Légation et d'autres voyageurs. Les Ministres d'Angleterre et d'Italie ont demandé que toutes poursuites cessassent contre les Arvanitis, et le Gouvernement se vit obligé d'y consentir, tant que les captifs resteraient près d'Athènes. Cependant, au lieu de rester à Keramidi, les Arvanitis, emmenant leurs prisonniers, se sont éloignés de la capitale et dirigés vers Oropos. Des émissaires envoyés auprès des Arvanitis leur ont itérativement déclaré et expliqué que le Gouvernement ne pouvait leur accorder une amnistie, la Charte Constitutionnelle ne lui ayant pas reconnu ce droit. Les Arvanitis persistent cependant à demander qu'on leur paie la rançon et qu'on leur accorde tout ensemble le bénéfice d'une amnistie.

Confiants en votre habileté nous vous prions donc de vous rendre à Oropos, et donner à ces hommes les assurances et les explications que voici :—

Premièrement, qu'après les renseignements qui nous ont été fournis par les intéressés, la rançon à leur payer est tenue à leur disposition, et qu'ils peuvent en prendre livraison et sortir du territoire Hellénique; soit par terre, soit même par mer, en s'embarquant sur un bâtiment de guerre Anglais, si faire se peut ;

Secondement, qu'il est impossible qu'ils soient amnistiés ;

Troisièmement, qu'ils doivent bien faire attention à ce que le moindre mal ne soit fait à aucun de leurs prisonniers, à ce que même l'ongle d'aucun ne soit pas endommagé ; car, autrement, le Gouvernement les traitera avec la dernière rigueur ;

Quatrièmement, qu'ils ne doivent sous aucun prétexte s'éloigner d'Oropos, afin que les prisonniers puissent facilement communiquer avec leurs Ministres respectifs ; que si la bande quittait Oropos, le Gouvernement serait affranchie de l'obligation prise avec les Ministres étrangers de suspendre toutes poursuites contre les Arvanitis.

Pour tout le reste, nous nous en remettons à votre prudence et à votre habileté.

(Signé)

TH. A. ZAIMIS.
TH. P. DELYANNI.
S. VALAORITY.
A. D. AVIERINOS.
G. TOMBASI.
D. SARAVAS.
S. SOUTZO.

No. 9.

Mr. Erskine to the Earl of Clarendon.—(Received May 12.)

My Lord,

Athens, May 3, 1870.

AFTER the insertion in the "*Ατῶν*" of my contradiction of the statement made by the Government paper the "*Courrier d'Athènes*," that no communication had been made to the authorities by Her Majesty's Legation in regard to the intended excursion to Marathon

* See "Greece, No. 3," page 1.

of the party captured by brigands on the 11th ultimo, the editor of that paper seems to have thought better of his refusal to contradict his original misstatement, and I now inclose copies of the last number of the "Courrier d'Athènes" acknowledging that he had been misinformed on the subject, and that the usual notice was given to the Director of Police by an official of this Legation. I now again repeat that Mr. Lambros went on the subject to the Police Office both on the Saturday and Sunday preceding the day on which the excursion took place.

I inclose, likewise, a translation of the letter addressed by the Director of Police to the Commandant of the Gendarmerie informing him of the intended excursion, and also of a letter from the latter to the officer commanding the flying column in Attica, putting him also on his guard.

I think it right to forward these documents because General Soutzo has seen fit to publish a sort of apology of his conduct, in which he asserts that it has been the invariable practice to apply for an escort to either the Minister for Foreign Affairs, the Minister of the Interior, or the Minister of War—a practice, however, which was wholly unknown to me, and which was never observed in the case of British travellers except when they wished to travel in more distant parts of Greece. If, as the General alleges, this was the proper course, why did not the Director of the Police refer me to one of the Ministers in question? At this time of the year such applications are very frequent, and were always made by me to the Director of Police, not because I had any preference for that officer, but because he appeared to consider it his duty to attend to such matters.

I likewise inclose a translation of a letter dated the ^{30th March} 11th April, from the Acting Minister of the Interior, M. Avierinos, to the chief of the flying column in Attica, in which he warns that officer that he has reason to believe that a band of brigands was concealed in the neighbourhood, and yet neither General Soutzo nor M. Avierinos would appear to have taken any steps to save the unfortunate travellers, who were at that very time within reach of the brigands.

Statements vary as to the number of soldiers who were at or about Pikermes when the travellers were attacked; but there cannot have been less than twenty-nine men in that immediate neighbourhood at the time, a force which ought to have been amply sufficient to prevent the disaster if a messenger had been sent to warn the travellers, or their escort, of the impending danger.

But it is now notorious that many persons in Athens were aware, several days before the 11th of April, that the band of the Arvanitéi was lurking somewhere in Attica. The Government alone were ignorant of so grave a circumstance.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1 in No. 9.

Extract from the "Courrier d'Athènes" of May 1, 1870,

DANS notre feuille No. 90 nous avons dit, d'après des renseignements inexacts, que la Direction de la Police avait été prévenue par l'hôtel où étaient logés les voyageurs Anglais que la Grèce pleure aujourd'hui, qu'ils allaient faire une excursion à Marathon. Nos renseignements étaient inexacts; car c'est d'un employé de la Légation Anglaise que la police a reçu cet avis; et la Direction de la Police en a informé le commandant de la gendarmerie, qui a envoyé des gendarmes pour veiller à la sûreté de la route.

Inclosure 2 in No. 9.

The Direction of the Administrative Police of Athens and the Piræus to the Mirarchy of Attica.

(Translation.)

Athens, ^{March 29} April 10, 1870.

ENGLISH travellers staying at the Hotel d'Angleterre, situated on the Square of the Constitution, intend, as has been communicated to this Direction, going to-morrow, the 30th instant, o. s., at 5 o'clock in the morning, to Marathon, on a pleasure trip.

In informing you, Sir, of this, we beg you to give orders that their journey to Marathon be secured by mounted gendarmes.

The Director, and for him, the Secretary,
(Signed) PAPPALION.

Inclosure 3 in No. 9.

*The Mirarchy of Attica-Bæotia to the Commander of the Flying Column in Attica,
at Kephissia.*

(Translation.)

(Most pressing.)

Athens, ^{March 29}_{April 10,} 1870.

TO-MORROW, at 5 o'clock in the morning, English travellers are going to Marathon; we therefore beg you to see that the public road leading from Athens to Marathon be secured, and you will continue so to do until next Wednesday, as some other anglers also intend visiting Marathon.

(Signed)

Z. D. BASDEKI, *Sub-Mirarch.*

Inclosure 4 in No. 9.

The Minister of the Interior, ad interim, to the Commander of the Flying Column in Attica.

(Translation.)

Athens, ^{March 30}_{April 11,} 1870.

IT is suspected that a portion of the band of brigands of the Arvanites is concealed between the positions of Plexiza, Jerotsikouli, Retsina, as far as Daou in the Demos of Marathon.

In informing you of this suspicion, we instruct you to see that strict search be made by an adequate detachment, placed under the command of Sub-Lieutenant Angheli Georgiou, and you will report upon the result.

The Minister of the Interior, *ad interim,*

(Signed)

A. D. AVGERINOS.

No. 10.

Mr. Erskine to the Earl of Clarendon.—(Received May 12.)

(Extract.)

Athens, May 4, 1870.

I HAVE already mentioned to your Lordship that His Hellenic Majesty called on Mrs. Lloyd before she left Athens, to condole with her on her bereavement. On the following day she was received by the Queen, who likewise evinced the warmest sympathy and did her utmost to console her.

M. Valaority placed in Mrs. Lloyd's hands, on behalf of the King, a sum of 1,000*l.*, which is intended to defray the expense of her journey hence, and to provide for her immediate wants. He also gave her a letter from the King to Her Royal Highness the Princess of Wales.

I am assured by M. Valaority that whatever sum may ultimately be fixed upon as a pension for Mrs. Lloyd, a Bill sanctioning the arrangement will be submitted to the Chamber. Should the Chamber make any difficulty as to the amount, His Majesty will, at all events, take care that Mrs. Lloyd is liberally provided for.

No. 11.

Mr. Erskine to the Earl of Clarendon.—(Received May 12.)

My Lord,

Athens, May 5, 1870.

I HAVE the honour to transmit to your Lordship herewith a translation of Colonel Théagénis' report upon the events of the 21st ultimo, which led to the disastrous collision between the troops and the brigands. It is, I think, now clear that it was provoked, if not commenced, by the soldiers attempting to prevent the escape of the brigands and their captives to a part of the country where the former might have held out for any conditions they thought fit to impose.

From this statement I infer that if Alexander had been in earnest, and had hastened to rejoin the brigands, they might possibly have been induced to retrace their steps to Sykamenon, and to believe in the assurances of Colonel Théagénis that the terms originally offered were still open to their acceptance; but as Alexander did not make any effort to

overtake the brigands before the fatal collision had taken place, it would now be a waste of time to discuss what they might under other circumstances have done.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 11.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président,

Thèbes, le $\frac{13}{25}$ Avril, 1870.

J'AI eu déjà l'honneur, par mon rapport de Schimatari en date du 10 de ce mois, de vous annoncer les malheureux événements de la veille. Mais comme cet exposé succinct était le résultat de mes premières impressions et des informations instantanées, qui ne sont pas toujours très exactes, j'ai cru devoir vous rapporter par la présente tous les événements qui ont lieu depuis le 7 jusqu'au 10 du mois, afin que vous soyez plus exactement informé de tout ce qui s'est passé.

Conformément aux ordres du Gouvernement en date du 6 ce mois, j'ai quitté Athènes le lendemain et vers le soir je suis arrivé à Marcopoulo, village de la commune de Péréa. M. Æconomidès, Démarque de la dite commune, n'ayant pas voulu se rendre à Oropo pour informer les brigands de mon arrivée et de ma mission, qui a été ordonnée à la suite de la lettre qu'ils avaient fait apporter au Ministère par lui-même, j'ai envoyé à sa place un habitant, nommé Karyda, lequel, ayant trouvé les brigands à Oropo, leur fit connaître ce que je l'avais été chargé de leur dire. Ceux-ci répondirent que je devais me rendre à Oropo dès l'apparition de la lune, ou, au plus tard, au point de jour; et comme ils pourraient ne pas se trouver à Oropo, ils y auraient laissé quelqu'un pour me conduire à l'endroit où ils comptaient s'arrêter. Le temps était pluvieux, et pendant la nuit j'ai reçu une lettre de l'échelle (Scala) d'Oropo, envoyée par M. Noël, par laquelle il me priait, à la suite des ordres que M. Erskine lui avait transmis, de ne pas me mettre en rapport avec les brigands avant d'avoir un entretien avec lui. M. Noël emmenait avec lui un frère des Arvanitis dans l'espoir de faciliter par son intermédiaire son entente avec les brigands. Christos, le frère de celui-ci, ayant appris son arrivée à l'échelle d'Oropo, s'était rendu à son rencontre accompagné de quatre de ses compagnons, et a couché avec ceux-ci dans la même chambre que M. Noël.

Si quelqu'un m'avait informé de cet incident, la délivrance des prisonniers était certaine; car j'aurais accouru avec les troupes pour les arrêter et les échanger contre les prisonniers.

Le lendemain matin, 8 du mois, je me suis rendu à l'Echelle d'Oropo à la rencontre de M. Noël, conformément au désir qu'il m'en avait exprimé dans sa lettre, mais je ne l'y ai pas trouvé. J'ai cependant appris des habitants qu'il était allé avec les brigands susmentionnés et les frères des Arvanitis au village d'Oropo, et pour ne pas tarder notre entrevue je me suis dirigé, moi aussi, vers Oropo. A mon arrivée, les brigands m'ont conduit à la maison de Scourtanioti, où j'ai vu les malheureux prisonniers et j'ai parti avec eux. Après cela, ayant pris à part Tacos Arvaniti, je lui ai communiqué, en présence de M. Noël, les propositions contenues dans mes instructions en date du 6 du mois, concernant la délivrance des prisonniers. Mais celui-ci, aussi que son frère Christos, qui était venu prendre part à la conversation, accompagné de quelques autres, prétendaient qu'on devait leur accorder l'amnistie aussi bien que la rançon. C'est en vain que je leur ai proposé d'autres moyens de sûreté, comme de partir sans être nullement molestés par terre ou par mer, en prenant d'otages sûrs, moi-même en premier lieu, s'ils voulaient s'en aller par terre, et le pavillon Anglais, s'ils voulaient partir par mer. Après de longues et vaines discussions, je leur fis enfin connaître qu'ils devaient au moins, dans l'intérêt des prisonniers, rester à Oropo; car c'est sous cette condition que le Gouvernement a consenti à ne pas les poursuivre: tandis que s'ils s'éloignaient, ils pouvaient rencontrer des détachements, parce que le Gouvernement regarde comme n'existant plus l'engagement qu'il a pris vis-à-vis des Ministres, sur leur demande. Quand les brigands entendirent cette menace indirecte, ils s'irritèrent et voulurent partir de suite, en persistant à soutenir que la promesse qui leur avait été donnée était absolue, et qu'ils pouvaient se rendre à Thèbes, à Locride, à Lamie, et partout ailleurs. Après être resté pendant plusieurs heures, en m'efforçant, toujours en vain, de faire comprendre à ces scélérats leur propre intérêt, aussi bien que leur propre salut, je me suis décidé à partir; et étant entré dans la chambre des prisonniers je les ai priés d'écrire leurs lettres s'ils voulaient. Pendant que ces messieurs écrivaient, Tacos Arvaniti est entré dans la chambre et m'a dit, "Je vais à l'instant les tuer." Puis se tournant vers les prisonniers, il a ajouté,

“Ecrivez à vos Ministres que si cette affaire n'est pas terminée jusqu'à demain soir, je vous couperai la gorge, car c'est ainsi que le veut M. le Colonel, puis qu'il nous menace avec les détachements.” Enfin, après avoir pris les lettres, j'allai partir, et avant de monter à cheval, j'ai adressé un dernier conseil à Tacos Arvaniti, qui m'accompagnait. Mais celui-ci m'a répondu comme à l'ordinaire, “Quelque chose se fera.”

Sur le soir du même jour j'étais de retour au village Marcopoulo. C'est de là que je vous ai fait connaître le résultat de mon entrevue avec les brigands. Le 9 du mois courant à 4 heures et demi du matin, j'ai reçu l'ordre du Gouvernement en date du 8 courant, de cerner les brigands à Oropo, et à 6 heures du matin je partis et arrivai à 11 heures à Salessi, pour m'entendre avec le Capitaine M. Apostolidés et le Capitaine M. Liacopoulo, qui se trouvait à Schimatari. M'étant concerté avec M. Apostolidés j'écrivis à M. Liacopoulo de s'empresse de venir à Salessi, avec la force qu'il avait auprès de lui et d'ordonner en même temps aux autres détachements de le suivre. J'ai fait ceci :—

1. Parce que pour pouvoir cerner effectivement Oropo, il nous fallait la co-opération simultanée de toutes les troupes disponibles, afin d'entourer le village et rendre vaine toute tentative des brigands de faire une sortie, après avoir tué, comme c'est leur habitude, les prisonniers ; et,

2. Parce que les troupes sous les ordres du Capitaine Liacopoulo, en restant à Sycamino, au delà de la rivière, devenaient inutiles et ne pouvaient pas nous servir à Oropo, les pluies incessantes ayant rendu difficile le passage de la rivière.

Pendant que j'y attendais l'arrivée de M. Liacopoulo, le nommé Stavro Liati, habitant de Salessi, qui était envoyé par le Capitaine Apostolidés observer les mouvements des brigands, vint nous informer que ceux-ci se préparaient à passer à Sycamino.

Après ces informations je me suis empressé avec les troupes du Capitaine Apostolidés de marcher vers Oropo dans l'intention de cerner le village même par cette force seulement, si nous parvenions à devancer les brigands et à les surprendre à Oropo et de leur couper la fuite ; en même temps j'ai contremandé mes premières instructions au Capitaine Liacopoulo en l'invitant, lui aussi, de se poster aux environs de Sycamino pour empêcher les brigands de fuir, dans le cas où nous autres nous n'aurons pu les surprendre à Oropo. Mais, pendant notre marche, à 3 heures de l'après-midi, nous avons rencontré des villageois qui nous ont assuré que les brigands avaient déjà traversé la rivière et qu'ils se trouvaient à Sycamino. Nous dûmes alors changer aussi notre route et nous diriger vers Sycamino pour les empêcher de s'éloigner de cette position, afin de les obliger à se renfermer dans le village et de les forcer ainsi nécessairement à accepter les propositions qui leur ont été faites. Malheureusement la rivière était grossie, et le passage présenta beaucoup de difficultés et causa des retards. Les brigands en profitèrent pour fuir en courant vers Dilessi avec les prisonniers et quelques paysans et bergers qu'ils emmenaient de Sycamino.

Avant et après le passage de la rivière par les soldats, j'avais donné l'ordre aux officiers de ne pas tirer aucun coup de fusil, mais de se borner à empêcher la fuite des brigands, en s'efforçant de leur couper la route, espérant ainsi les renfermer à Sycamino. Mais les brigands pressèrent leur marche et les plus agiles des soldats couraient pour les approcher. Ceux-là tâchaient de les éloigner par des coups de fusil et par de cris, “Ne nous approchez pas, car nous tuerons les Anglais et vous serez perdus.” A ces coups de fusil les soldats répondaient de temps à autre, mais sans aucun résultat.

Après le passage de la rivière et tandis que nous nous occupions avec MM. les Officiers de régler la marche des soldats, nous avons vu de loin l'interprète Anémoyanni, qui venait vers moi, et qui, s'étant approché, m'a dit que les prisonniers vont être tués, et qu'il ne fallait pas poursuivre les brigands, car ils avaient l'intention de rester à Sycamino ; comme ce village appartient au district d'Attique, je lui ai répondu de se hâter de prévenir les brigands qu'ils pouvaient rester tranquilles et sans rien craindre à Sycamino, car les soldats avaient l'ordre de ne pas tirer sur eux, et que là ils pouvaient recevoir l'argent et sortir de l'Etat sous les conditions de sûreté que le Gouvernement leur avait promises.

Celui-ci montrait de l'empressement pour exécuter cette commission, mais d'autre part il prétextait qu'il ne pouvait pas les rejoindre à pied, et il se dirigea vers le village pour pouvoir trouver un cheval. Cependant il ne fit rien ; je crois qu'il l'a évité par fraude. Je dis par fraude, car j'ai d'autres raisons précédentes de me méfier de sa sincérité, ayant remarqué quand je parlais à Oropo avec les prisonniers dans une langue étrangère et inconnues aux brigands, que ceux-ci ont fait voir de la manière dont ils s'exprimaient qu'ils connaissaient mes conversations.

Comme je l'ai déjà dit, les brigands avançaient en tirant de coups de fusil, et ils étaient suivis de loin de quelques soldats, qui tiraient aussi de coups de fusil sans aucun effet ; et quand ils approchèrent de Dilessi, le Secrétaire de la Légation Britannique, l'infortuné Mr. Herbert, s'étant fatigué et ne pouvant plus courir, quoiqu'on le forçât, a été tué par les brigands. Je suppose cela, parcequ'on n'avait aucun autre motif pour le

tuer, et parceque, environ trente pas avant le lieu où il a été tué, j'ai trouvé moi-même son pardessus jeté par terre—ce qui indique qu'il le gênait, fatigué qu'il était de la rapidité de la course. Après cette triste mort on a commencé à ajuster les fusils sur les brigands, et quelques uns ont été tués. Après le deuxième massacre, c'est-à-dire, après la mort de l'avocat de la Compagnie du Chemin de Fer, Mr. Lloyd, lequel a été tué par les brigands une quarantaine de pas plus loin que Mr. Herbert, plusieurs brigands ont été blessés et tués et la poursuite était poussée avec fureur. Elle continuait encore lorsqu'on a trouvé tués les deux autres prisonniers, le jeune Mr. Vynér et le Secrétaire de la Légation d'Italie, dont la mort, à la suite d'informations erronées, a été présumée avoir eu lieu avant les autres. La poursuite continua jusqu'à la nuit, et à une longue distance.

Si la force armée de Chalcis, qui avait reçu l'ordre de se poster à Délîum et que nous y croyions, car nous pensions que le bateau-à-vapeur qui est arrivé à Oropo l'avait déjà débarquée, avait accompli sa mission, le résultat de la poursuite aurait été tout-à-fait différent ; cette force, faisant à l'improviste front aux brigands, se serait opposée à leur passage ; les troupes qui avançaient à leur derrière les auraient cernés. De cette manière la destruction complète de la bande, et peut-être la délivrance de quelques uns ou de tous les prisonniers, aurait été effectuée ; car avant Délîum personne encore n'avait été tué, et les brigands dans un tel instant de trouble et de péril n'auraient pas eu le temps de les tuer.

Il y avait à Delium un détachement des troupes commandées par M. Liacopoulos, mais malheureusement il n'a pas répondu aux exigences des circonstances ; car la moitié des soldats s'est enfermé dans les maisons, et n'a pas pu empêcher la fuite des brigands et donner ainsi du temps à la force qui les poursuivait de les atteindre.

Les brigands qui ont été blessés en fuyant vers Délîum se cachèrent dans les buissons environnants, et ont été tués après par les soldats qui les ont découverts. Christo Arvaniti et Yannaro, quoique blessés, ont fait feu contre les soldats, qui les tuèrent en ripostant. Alexis Khimara seul se rendit sans aucune résistance, et ayant été embarqué à bord du bateau-à-vapeur, il a été transporté à Chalcis.

Les brigands tués par les soldats sont les suivants : Christo Arvanitaki, chef de bande, Sotiri Zoma, Jean Verphani, Elie Stathaki, Georges Catarahia, Yéroyanni ou Yannaro, et Démétrius Tzarapica. Alexis Khimara a été fait prisonnier. Il y a eu d'autres encore blessés qui se cachèrent ; car aux derniers instants de la poursuite on n'en a compté que neuf seulement. Et en effet, plus tard trois autres ont été découverts et faits prisonniers—les nommés Photis Eeonómou, Périclès Liori, et Constantin Monakho ; d'après la déposition de ces deux derniers, il y a encore deux blessés.

Si les brigands étaient restés encore une nuit à Oropo, et l'investissement avait lieu, la délivrance des prisonniers ne pouvait pas être douteuse ; car on aurait encore permis aux brigands de choisir entre la rançon et le sauf conduit qui leur était proposé, ou leur destruction dans le cas contraire était inévitable. Mais l'investissement du village n'a pas pu être effectué, car nous n'en avons pas eu le temps nécessaires. Le Gouvernement s'était décidé à prendre cette mesure le 8 du mois, et sa résolution m'a été communiquée le lendemain, pendant que je me trouvais encore à Marcopoulo, qui est distant de cinq heures de Salessi, où les deux compagnies de soldats se trouvaient. Je devais donc perdre le temps en marches ; de plus, M. Liacopoulo était à Schimatari, qui se trouve à trois heures de Salessi, lequel est à une distance de deux heures et demie d'Oropo ; de sorte que, quelque diligence qu'on eût fait, c'est à peine vers le soir que l'investissement aurait pu être effectué. Il aurait été beaucoup plus sûr si la force armée pouvait approcher du village pendant la nuit des différents côtés, et se montrait le matin du 10 du mois sur toutes les positions favorables. Elle aurait eu pendant la journée le temps de rendre l'investissement inforçable.

Comme l'investissement n'a pu être fait à cause de la fuite des brigands, leur poursuite devenait nécessaire, conformément aux ordres du Gouvernement ; mais pendant qu'on la pressait, les obstacles que nous a présenté le passage de la rivière ont malheureusement retardé la marche des troupes, tandis qu'au contraire ils ont favorisé la fuite des brigands. Mais malgré toutes ces difficultés, la destruction des brigands eut été certaine, et le salut des prisonniers ou de quelques uns d'eux probable, si Délîum avait été occupé par les troupes.

La mort douloureuse d'étrangers si distingués est certainement un grand malheur. C'est ainsi que tout le monde la considère, et tous la regrettent et s'en affligent. Comme ils ont eu le malheur de tomber entre les mains de bandits aussi féroces qu'impies, et que les circonstances ci-dessus ne les ont pas favorisés, leur salut était impossible. Les usages des brigands dans de cas pareils concernant les prisonniers sont généralement connus. Les malheureux prisonniers étaient chaque jour menacés, et à chaque instant, quand j'étais à Oropo, on leur répétait qu'on allait les tuer.

Si la bande des Arvanitis n'a pas été tout-à-fait détruite, elle a souffert cependant

considérablement, car elle a perdu Christo Arvanitis, qui la commandait réellement, comme étant plus hardi et plus rusé que son frère Tacos. Les autres aussi qui ont été tués ou pris étaient les plus redoutables. La perte de ces malfaiteurs donna du courage aux habitants abattus, et elle contribuera à leur inspirer une ferme confiance dans la force des lois et du Gouvernement.

Votre, &c.
(Signé) B. THEAGENIS.

No. 12.

Mr. Erskine to the Earl of Clarendon.—(Received May 12.)

My Lord,

Athens, May 5, 1870,

I HAVE been informed by M. Valaority that a reward of 18,000 drachmas* (643l.) has been offered by Government for the destruction or capture of Tako Arvanites, the Chief of the band of brigands who committed the atrocious act of the 21st of last month, and that proportionate rewards have been promised for the other members of the same band. He likewise informs me that the Government have received information on which they implicitly rely that Tako, with three of his band, is now lying wounded in a cave somewhere in the mountains between Megara and Thebes. A detachment of fifteen picked men under an energetic officer named Axelos has been sent out to take or destroy these men, and the Government appear to be very sanguine that they will ere long succeed in their object. Moreover, flying columns to the number of 500 or 600 men are occupying all the points by which the brigands are likely to pass, and the Government are determined, if possible, to prevent the escape of any of the band.

A reward has been offered to any person who will give such information as may lead to the apprehension and conviction of the persons who were in league with the brigands.

I have, &c.
(Signed) E. M. ERSKINE.

* Since increased to 20,000 drachmas.—E.M.E.

GREECE. No. 7 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty, 1870.*

LONDON :

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

Mr. Clare Vyner to the Earl of Clarendon.—(Received May 12.)

7 A, Chandos Street, Cavendish Square,
May 11, 1870.

My Lord,

AS I have reason to believe that your Lordship is desirous of receiving all possible information with respect to the murders committed by brigands in Greece, I have the honour to inclose a statement made in my presence by Louis Gleissner, a German courier, who accompanied Lord and Lady Muncaster and my brother on their journey.

This statement was taken down from Gleissner's mouth by a shorthand writer, and, having been read over to him, he has signed it.

As some of my brother's letters to Lord Muncaster have been made public in the papers laid before Parliament, I inclose, with Lord Muncaster's permission, copies of all that is not of a private nature contained in the other letters which Lord Muncaster received from him.

I have, &c.
(Signed) H. F. CLARE VYNER.

Inclosure 1.

Statement of Louis Gleissner, made on the 11th May, 1870.

ON Sunday, the 10th of April, Alexander, the guide, called on me and asked me to ask Lord Muncaster when this excursion was to take place, and I asked him, "What excursion?" "Don't you know?" He said, "They intend to go to Marathon." "Oh," I said, "I don't know anything about it; I shall ask his Lordship." So I asked Lord Muncaster, and Lord Muncaster said to me, "I don't know; it is Mr. Herbert and the Count de Boyl who have arranged this excursion, and, as we are only invited, I can't tell you. I have heard nothing yet as to what has been settled, but I daresay I shall be able to tell you this evening." In the evening Lord Muncaster told me that it was to take place the next day (the 11th), and that I was to call them at 5 o'clock in the morning, without fail, because Mr. Vyner used to like to stay a little in bed in the morning. So at 5 o'clock in the morning I called the gentlemen, and they started a little before 6. Now, in the evening previously, I asked Lord Muncaster whether I was to go with them or not; so his Lordship said, "I should be very glad, Gleissner, if you would come, but I don't know whether there would be any room for you or not." So I prepared myself, anyhow, to be ready to start, without knowing whether there would be room or not.

So the next morning (Monday, the 11th) I packed up the different baskets of provisions for them; and Mr. Herbert and the Count de Boyl came; but Count de Boyl brought his servant with him, wishing to take him with them. When the party took their places in the carriages, I asked again if I should go with his Lordship or not; so Mr. Herbert, who was in the same carriage with Lord Muncaster, Lady Muncaster, and Mr. Vyner (those four), said, "I am afraid you will not find room, because the Count de Boyl wishes to take his servant with him." So I said, "Very well, Sir, I shall stay here." Lord Muncaster turned round and said, "I am very sorry, Gleissner, but there is no room." So I stayed in Athens. It was at a little before 6 o'clock that the party started, and I expected them back at 6 o'clock in the evening. I was standing at the door of the hotel expecting them back from 6 o'clock till 7 o'clock, when I mentioned to the landlord

that I was afraid something had happened. I was not at my ease. So he said, "Oh, don't be afraid, there is nothing, because, you see, first it is a great distance, and then they might have had their lunch a little delayed, or they stayed at lunch a little longer, or they liked the spot where they were, and started too late; perhaps they will arrive one minute or the other." So I said, "It is 7 o'clock; I shall go and have my dinner. If you see anything you will call me." I was at my dinner with the ladies' maid, when one of the interpreters of the hotel came and looked at me earnestly, and said, "Do you know the news?" I said, "What is the matter?" "Your family has been taken by brigands." I took hold of my hat, and I asked him who it was that brought the news. He told me it was a soldier that brought the news to the Minister of War. I took my hat and went to Mr. Erskine about it; and Mr. Erskine said, "My dear man, I don't believe it; nor would you if you knew Greece, and if you knew Athens, and what those fellows say, and all they relate. They are all liars. I don't expect them back until 9 or 10 o'clock. Anyhow, it puts me in anxiety as well. You say it was a soldier who brought the news to the Minister of War? Let us go at once." So Mr. Erskine and myself went to the Ministry of War, and there we found out that it was the truth. I mentioned to Mr. Erskine that I intended to start on horseback if I could get a horse. So Mr. Erskine said, No, it would be of no use, because I would not know where to go to, and the brigands had very likely carried off the party into the mountains; and he was almost sure that they would release the ladies, as they usually do. So I could not start, and at 11 the ladies came back—Lady Muncaster and Mrs. Lloyd with the child, 5½ years old, and the two gendarmes, and the valet of Count de Boyl. I found the ladies at the Embassy. Some small things were missed—Mr. Vyner's opera-glass and some other small things—all the other things had come back. So I took the ladies to the hotel; and Lady Muncaster said, "Oh, there is no fear; the brigands' conditions are—not to be pursued; not to have any troops sent after them, or the lives of the prisoners would be in fear; and as soon as the ransom is paid, it will be all settled." This was at 11 o'clock in the evening.

On the 12th we had no news; and on the 13th, in the morning (it might have been by about 8 or half-past 8 o'clock), Lord Muncaster came back in a cart, and his Lordship told me that he was released by the brigands, and when they came down the mountain they found two men cutting wood, and they took one of the men, and told the other how he had to take Lord Muncaster to Athens, to the Hôtel d'Angleterre, and had to bring back what Lord Muncaster would give him; and in the meantime they kept his companion. So when his Lordship arrived he was in a very muddy state, and very hungry and tired. He at once changed himself and took a bath, and I ordered a good breakfast for his Lordship; and I went to Mr. Erskine, and Mr. Erskine came to see Lord Muncaster. This was on the 13th. On the same day Count de Boyl's servant was sent up to the brigands in the same cart with provisions, and with some letters, and with some clothes to change. I bought capotes just to put them on for those gentlemen, because those capotes are very good for the rain; the rain does not go through them. Count de Boyl's servant reached the brigands at night, and he came back the next morning.

It was on the 14th or 15th that Mr. Herbert's servant was sent with provisions. He was a Greek named Dionyse: he returned next morning.

On the 16th, in buying provisions and other little things, as candles, and rum, and tobacco, and paper, and all those things, and coffee, I and Dionyse met, near to the Hôtel d'Orient, in one of the principal streets of Athens, five individuals: one of them shook hands with Dionyse, and so did the others afterwards, and asked him in Greek, "How are you?" (I could very nicely understand those little things)—and he said, "Very well." So one of those individuals just gave him a knock on the shoulder, and he glanced at me, and I could understand that he asked him who I was; and Dionyse told him who I was, and what we were doing. Whether it was Dionyse who asked him to have a glass of wine, or whether it was he who asked Dionyse to have a glass of wine I do not know; any how, we went into the next shop and had a glass of wine together, and after we had gone from this shop we left them in there, and Dionyse told me, "Do not look back;" and I said, "No." He said, "Did you observe the one with a white handkerchief on his head?" I said, "Yes." He said, "Well, he was up there with the brigands last night at 9 o'clock." I said, "Oh, indeed; how is it that he walks round here just like anybody else?" They had knives and just a Greek dress. "Oh," he said, "those are spies; either they are of the same company, or they are spies employed by the brigands; that would be just the same, and there are plenty more of them in Athens." This little incident was on the 16th.

On the 18th we started in the morning at 8 o'clock. Before I started on the 18th, I asked as a favour of Lord Muncaster that I wished to release Mr. Vyner—to stay instead of Mr. Vyner—considering that he was already a week up there, and not able to change his clothes, and so on, and that he had to rove about with the brigands, I wished to stay

in his stead, and to have him come back to rest himself. His Lordship said, "This can be hardly expected; but if you can do it, it would certainly be a great relief to me and to Lady Muncaster." His Lordship was very pleased about it, and I started at 8 o'clock on the 18th with Dionyse, the Greek servant, and one man. We were three in number and three horses; the man was leading his pack-horse, and we were on horseback, both Dionyse and myself. It was very wet, raining, and very windy, and we could not go fast. On arriving at the village (but I cannot tell the name of this village) this man complained that the horse could not go farther if it was not relieved of some of the luggage. We took another horse and another man with it, so that we were four of us from that village. We arrived at about 7 o'clock or half-past 7, when it began to be dark, at a mountain pass, and there was a house on our left-hand side, and a man was on our right-hand side—a shepherd. Dionyse spoke to him, and then after he was informed what he wanted, he gave a whistle, and out of this house came a gendarme, one of those mounted gendarmes in the Greek dress, and Dionyse spoke to him, and he made a sign that he wanted to come down in a moment. We rode down in the meantime, and then he came after us and took the lead of us. I thought in the first instance that it was a brigand, that it was one of the outposts, but Dionyse told me it was a gendarme, and he was very glad to have found him, because he was to guide us to the brigands; it being night, and still very far, we did not know where to go to; and he would lead us there, and when we were at a short distance off, this gendarme was speaking to Dionyse, and Dionyse was telling me, "Do you know what he wants?" I said, "What does he want?" He said, "He wants a certificate that we employed him as a guide to take us to the brigands." "Oh," I said, "If he does not want anything else, he shall have it, certainly." Dionyse said, "Certainly we must give him this, because we never would have been able to go to night to the brigands without him." We arrived at about 11 o'clock at night, and went right into the middle of the Wallachian village (as Mr. Vyner has put the name on the sketch); the men came out of the huts. There were twenty-five or twenty-six huts. Then we were surrounded by some men, and Dionyse told them what we were, and who we were, and I did not then see any more of the gendarme. We dismounted, and we were shown into one of the huts, and there I met the gendarme again, who was sitting at the fireside. I observed that he had still his pistol, and his knives, and his bayonet, or his side-sword; and his gun was leaning behind him. He seemed to be rather friendly and knowing almost everybody, as I could see, smoking a cigarette, and conversing with the rest of the brigands who were in there. So Dionyse told me, "That is the Chief—that is the Captain;" so I shook hands with him, because I was to be as civil and as polite as possible just for the sake of those gentlemen. All the provisions and the luggage were brought into this hut where the Captain was then. I had Mr. Vyner's bag. It is a travelling bag for which Mr. Vyner had asked, and I had several small things in it, such as a sketch-book and several other things that he wanted, and shirts and socks—and for the other gentlemen as well. So the Chief opened this bag, and just looked at the small things, and put them back again; and the other ones looked at them as well, and put them into the bag again; and nothing was taken of anything I had taken up there. Then the provisions were taken in. So after he had looked at the bag I went to take the bag, but the Chief made a movement as much as to say, No, leave it here. I said, "Dionyse, will you tell him, if you please, that I should like very much to go with this bag, if I might be allowed, to those gentlemen, because they would be very pleased to see somebody from Athens, and to give up the letters. He may look into the bag; he has already searched it. There is nothing in but clean linen and so on which those gentlemen require for having a change." Then Takos was told of this, and he stood up and took us over to the other hut himself where those gentlemen were. Those huts are of a conical shape, and there was only one entrance, which is very low; one has to stoop to get in. The hut was round, and in the middle was a round fire-place in which a wood fire was burning. On each side of the door, at a little distance, the capotes and cloaks were laid all round the fire. Those gentlemen were opposite the entrance. Opposite the entrance, on the right hand side, was Count de Boyl; next to Count de Boyl was Mr. Herbert; next to Mr. Herbert was Mr. Lloyd; next to Mr. Lloyd was Mr. Vyner; and next to Mr. Vyner was Alexander, the guide. I found them lying down asleep. This was after 11 o'clock at night, on the 18th. On each side were four or five brigands, sitting between those gentlemen and the door. Of course they were coming in, and relieving each other; but there were always sufficient to watch them, armed, and ready to be alert on the first sign; and there was no chance of those gentlemen going out without having to go over the brigands.

The gentlemen were roused at once, and were very glad to receive news from Athens. We delivered the letters, and the bag I brought for Mr. Vyner, and took out everything,

and they began at once to read their correspondence. Now, Takos, the Chief, who came in with me, and several others, were sitting next to Mr. Vyner; and looking very attentively into the faces of those four gentlemen while they were reading the letters—fixing them—and so were the others, I observed. I think it was just to get the expression, whether they were joyous, or surprised at what they were reading, just to get out what news they had received. Afterwards, Takos spoke, through Alexander, to those gentlemen; but Mr. Herbert and Mr. Lloyd understood Greek very well and Mr. Herbert spoke Greek very well also. I have heard him speaking with Takos about this matter of the amnesty. Now, those gentlemen began at once to write their answers; and as there was no other light in this hut but the fire, there was a candle lighted (I had brought candles with me), and they had a little bit of a wax light there; and one of the gentlemen was holding the candle, and the next one was writing, and the third one was holding the inkstand, and so it went on, every one in his turn. There were two of them writing at once, because the fourth one had nothing to do but to take out the paper and write. I had taken all those materials with me.

On the same evening I saw the Chief speaking to those gentlemen, addressing himself chiefly to Mr. Herbert, and he was in rather a furious state, knocking the floor with his fist; and after he had done his speech, Alexander translated it. Alexander said, "He just says, 'You have to write to your respective Governments or Ministers that they have to force the Greek Government to give the amnesty.' " So Mr. Herbert says, "And nothing else? Did he not say any more?" "That is all he tells me." "Did not Takos say if it would not be done he would cut our throats on Thursday?" Alexander says, "Yes, sir; but you see this is a way that they have just to frighten you." "But why do you not tell us?" So Mr. Herbert, and Mr. Lloyd, and Mr. Vyner afterwards told me, "We do not believe" (to use the same words) "Alexander the guide has been mixed up in this affair with our having been captured, but we complain that we are not satisfied with his translation of what the Chief says. For instance, now you were present as well, and you saw Takos in what a state he was, and what he said and that; and Alexander told us only a part, and he did not tell us that if it were not done he would cut our throats on Thursday, so you see. You tell Lord Muncaster and Mr. Erskine we do not believe he has been mixed up in this affair; but we are not satisfied, and we complain of his not interpreting correctly what the Chief wishes him to tell us, and it may be of the greatest importance." Shortly afterwards Mr. Vyner asked me, "Where are you going to sleep, Gleissner?" I said, "Well, sir, I do not know yet." So Mr. Vyner spoke by signs to one of the brigands, showing him that we were certainly tired, because we had ridden for fourteen hours. He spoke a few words as well; he called them by their names; and then Dionyse and myself were shown into the same hut where we went into first, where we found the Chief, and there they gave us to eat and to drink. Some were singing, and some were playing with their things. I may just as well mention what I brought up for the Chief and for the second Chief. Dionyse, on the journey which he made before, took a silver watch down from the Chief to have it mended, and I took it back with me on the 18th. It was a silver watch with a double case, and I saw the name of "Le Roi, Palais Royal, Paris," on it. It was set with 14 stones. I brought him the watch back. The watch was mended. The second Chief, Christos, had asked, when the first provisions were sent up, for a rosary, which they use to say their prayers with. I sent him by Dionyse, on his first journey, a rosary, and he sent it back, saying it was not good enough for him, he wanted one of amber; so I bought him one of amber, a very fine one with corded tassels in a long case. I paid 40 francs for it, and I brought him this one, and he was very pleased. Another brigand (I do not know his name) had sent through the same communication a field-glass to have a new case with a strap. It had been done, and I took it up with me and delivered it to him, and he was very satisfied; and I can say that I was very kindly treated by the brigands. We had some wine and we had some meat before we were going to lie down, and some bread, and then we laid down on the floor, arranging ourselves as well as possible, and I happened to be next to Christos. Of course, I could not sleep, because I was near to the door. There were three or four between the door and myself, but the door being open, and the wind blowing in, as I had nothing else only a capote over me, I cannot say I slept well; and then I felt something touch my legs, and when I turned round it was Christos. I do not know whether it was for fear that we should go away in the night.

April 19th. We got up very early in the morning, and came over to those gentlemen again. We were allowed to walk around just as we pleased, and then the gentlemen were again busy writing. It was on the morning of the 19th that Mr. Vyner was writing his answer to Lord Muncaster,—and so Mr. Vyner said, "What do you think? Had I not better write to Lady Mary Vyner?" I said, "Certainly, Sir; it would be a great pleasure to her Ladyship to receive one of your letters in your own handwriting." "Well, I think

it would be better," he said; and, as far as I know, Mr. Vyner inclosed a letter for Lady Mary Vyner in his Lordship's letter. Then those gentlemen came out. The hut was cleaned, and they walked out of the hut very freely. They were observed from all sides, but they were not in the least molested, and I brushed them all, and first Mr. Vyner. Mr. Vyner had a good wash then, and a good combing and cleaning, and I brushed his clothes and the clothes of Mr. Herbert, Count de Boyl, and Mr. Lloyd, and then they were very gay, I may say, and very cheerful. Mr. Vyner said, "Oh, if you would have only time, we would go up this hill, and you would see the Isle of Eubœa opposite—you would see it from such a fine point of view." Then he went with me to the Chief, Takos, and he said, "I wish just to show you something." They were very friendly together, and he pushed his hands right into the Chief's belt and took out his pistol, and the Chief was looking round smiling at him. He said, "It is all right. I was only showing Gleissner. There, you see what an old-fashioned pistol this is." It was inlaid with silver, and we looked at it, and then he put it back again, and he let me see all the other things, and he might do what he liked. It was a sign that they were very friendly together, and not at all ill-treated. I mentioned to Mr. Vyner, in the evening, my wish to relieve him, and to stay in his place; but he would not accept it. He said, "Oh no, no, I cannot accept that; no, no, Gleissner, do not speak any more about it. I cannot accept it." And he would not accept it. And so I insisted still a little more, and said, "I wish to have your consent first, before going to the Chief, as it would be of no use to speak first to the Chief if you would not consent,—it would look suspicious." "No, no; do not tell him about it,—do not speak any more about it." I mentioned it again the next morning before leaving. No, he said he would not hear anything about it. I think that the brigands would have allowed the exchange, as far as I knew; but I did not ask them anything about it, because Mr. Vyner would not consent, so that it would have been of no use for me to ask the Chief about it, and we had to be very careful in all these matters. Lord Muncaster told me before I started, "You may be quite sure, Gleissner, if you succeed in staying instead of Mr. Vyner, you will be looked after as well as Mr. Vyner," and this would have been explained to the Chief if Mr. Vyner would have consented; but as Mr. Vyner did not consent to this arrangement, it was useless to tell anything about it to the Chief.

In the morning we had black coffee in the Greek or the Turkish fashion in cups (I was rather surprised that they had cups up there), and sugar and bread. They were walking outside, and Mr. Vyner turned to me and said, "Do you think, Gleissner" (looking at his suit of clothes), "I shall ever be able to wear this suit of clothes again after this job is over?" I said, "Well, Sir, it can be well aired and well cleaned, and it would be just a travelling suit for you." He said, "You see I am not well off for clothes, so will you write to my servant—to Swires? I will give you the directions;" and I took out my book, and Mr. Vyner put in the directions to Swires, his servant in England, to order him several little things. I did not write to Swires because there are only two days in the week that the mail goes, on a Friday and on a Saturday, and as we expected on Thursday or on Friday to have those gentlemen back, I thought it would be better that Mr. Vyner should write himself. I did not write to Swires considering all those things, and we never thought it would end so fatally as it did. We started from there at 9 o'clock in the morning, and at about between 12 and 1 o'clock, on the road home to Athens, I met Colonel Théagénis with about twenty-five soldiers on horseback. He fell out of the rank and came to me, shaking hands with me, and asking me, "Do you come from there?" I said, "Yes, I do; are you going there?" "Yes, we are." He says, "How did you find them?" I said, "I found the gentlemen very well." He said, "I am going to treat with the brigands, because I know them very well; so I hope, and am almost certain, that I shall succeed in getting those gentlemen loose. I shall try my best; I shall do everything possible to settle this matter." So I said, "But those soldiers? you know it is not in the conditions to show soldiers." So he said, "Do not you be afraid, I go quite alone—quite by myself." He said he would leave the soldiers behind at a certain distance, and he would go quite by himself. So I took leave of this gentleman, and pursued my road home, and I met several other detachments of foot troops. I did not speak to them; but we were told by a peasant a little further on that there were troops on the other side of the mountain, going in the same direction. This was all we met on the road. Those troops were all coming from the direction of Athens. I may just as well mention that when we came to the last village (which is a German village near Athens, but I do not know the name of it), we had a glass of wine there, Dionyse and myself, and we were told there that in the morning 200 soldiers had passed there to go in this direction, the direction where the brigands were. We arrived about 7 o'clock in the evening at Athens, and I made my report to Lord Muncaster. I did not see Mr. Erskine,

because Lord Muncaster wanted to tell Mr. Erskine himself, and Dioynse, Mr. Herbert's servant, made his report to Mr. Erskine. This was on Tuesday.

On Wednesday the 20th I again went shopping with Dionyse for those things that the gentlemen had asked me for,—some clasp knives and tea, and sugar,—but then I was told by Lord Muncaster, "You need not buy anything else now; wait a moment, you need not buy anything else, because I daresay it will be useless. Very likely this affair will be settled and the gentlemen will be home to-morrow."

On Thursday the 21st I was at the English Legation, because I was to meet Lord Muncaster there in the afternoon, and I judged from the expressions of the faces of those gentlemen who were passing very busily in the hall, that there must be something very sad, or no good news from there. So I asked one of the messengers who speaks good English what it was. He says, "I am afraid it is not quite as we would like it to be," and a little afterwards he came to me and said, "Come with me, I will go to the telegraph station," and then he took the message; I went with him. It was a message for Mr. Noel. "*Le Gouvernement consent de ne pas les troubler à Sykamenos; allez traiter pour les embarquer à bord d'un navire de guerre Anglais.*" Then when I came back to the Embassy (it would have been about half-past 4 or 5 o'clock in the afternoon), Lord Muncaster came out, and he said, "Oh, it is all right now," just like a man relieved from a very great trouble, "to-morrow the gentlemen will be back." Then I went to the *Hôtel d'Angleterre*, and Commander Prowse of the "*Cockatrice*" was writing a note, and he told me to go down and meet one of his sailors who was expecting him at the Piræus at the station. He gave me the letter. It was directed to Lieutenant Bell, I remember, Her Majesty's ship "*Cockatrice*." I was to deliver this letter to the sailor that I would find at the station at the Piræus, to give this letter to Lieutenant Bell, and then meet Commander Prowse at the half-past 9 train; and then his Lordship told me that this ship was to get ready, and that we would go to-morrow (that was Friday) with the ransom, and embark the brigands on board this ship. Of course, we were all very pleased on the Thursday evening just in the expectation that it was all settled, and that to-morrow we would have the gentlemen back again. So the next morning, on Friday, a little after 5 o'clock, I was called to go down at once. When I came down Lord Muncaster was in a great state of sorrow and alarm, and he said, "Mr. Erskine has just been here, bringing us the bad news that Mr. Herbert and Count de Boyl are killed by the brigands, but Mr. Vyner has been seen running with the brigands, and of Mr. Lloyd nothing is known."

Afterwards, Lord Muncaster told me, "Well, anyhow we must do all our possible. We shall do all our possible. You must go again on horseback. Go to the Minister of War and ask for a horse; tell him you have come on my behalf, and ask him for a horse and a couple of men to escort you. You know what to do—just to find out where Mr. Vyner is or what has become of him. As you have been over there, you know pretty well what to do." I understood very well from his Lordship what he wanted. I went to the Minister of War; it was then early in the morning, a little after 7 o'clock. I went first to the office, and I was told there that the Minister was at his house, and would not be there before 8 o'clock. Then I went to the house of the Minister of War, and I had to wait a little, as the Minister of War was not dressed. He then came in and asked me what I wanted, and I made my request. He said, "I will do everything that I can, I am only sorry not to be able to do anything more. If you wish for a horse, very well, you shall have it; but I think a Greek steamer, one of the Government steamers, is to start from the Piræus,—you will be sooner there by this steamer, and it will not be so tiresome for you. I will give you a note to the Minister of Marine and he will give you a passage, and you can embark on board the steamer." I went to the Minister of Marine and delivered this letter, and the Minister of Marine told me,—"I am very sorry, but the only steamer we have in the Piræus is in a very bad condition, the boiler is out of order." He told me, "It would last too long to get her ready, and you would go sooner on horseback than to wait for this steamer, and the other steamer is gone already." I went back to the Minister of War, so he said, "Very well, I will give you a note to the *Commandant de Place*." He said, "Go there and you will have everything you require." I went to the *Commandant de Place*, and delivered the letter. I was asked where I lived. I said, "At the *Hôtel d'Angleterre*," and I prayed to have the horse as quickly as possible. He said, "Oh, certainly, you shall have it as quickly as possible; you shall have the horse sent round to you to the Hotel; you need not trouble yourself any further." But then I had to wait till a little before 11 o'clock before I could get my horse; an escort consisting of ten men came with my horse. I had one of the soldiers' horses, and I took a bottle of brandy with me and I started with them. Of course, I wanted to start at the quickest pace possible, but they shouted to me, "Do not go fast, Sir," and the Brigadier, who spoke French, said, "*Pas si vite; nous allons fatiguer les chevaux.*" I

said, "It would not be fatiguing the horses; go along—you will know afterwards why I am riding so fast," and I told him on the road. We arrived at 8 o'clock in the evening at a village called Cusales and there were Infantry soldiers there; I found the officers in a house, a kind of public-house, where something to eat was to be had. They were sitting round the fire, and the Brigadier went in with me, and he told them for what we had come. So I was told by those officers that Mr. Vyner was brought on Thursday evening (last night, he said) into the village of Schemadari wounded, and that he died this morning (that was on Friday morning); but it was not true that he was brought wounded—he died at once. So after I had rested a little, I told the Brigadier, "We had better start at once for Schemadari," because I hoped still to find Mr. Vyner alive. I asked for a guide, but there was none to be had. I said, "20 francs I will give to a guide"—because I was told it was about four hours' distance from there—"I will give 20 francs; I will give 40 francs; I will give 100 francs"—but nobody would go. I was obliged to stay there; I stayed over night, and the next morning with three soldiers I started about 5 o'clock, but on coming to the river, the Asopo, we had great difficulty in traversing it; we had to try in different places. There is a bridge, but if we had gone to the bridge we should have had to ride for a couple of hours in the wrong direction, and it would have taken too much time; so we at last found a shepherd—I was the one who observed him first—I said, "There is a man down there; come along, perhaps he knows where the best way goes through;" and this shepherd took us to a place where we were able to traverse the river. On the other side, after some time (it might be an hour afterwards) we met other people, peasants, and, of course, the Brigadier asked them if they knew something about it, and they said, "Mr. Vyner is dead. This one is in Dilessi." I said, "Where are we now; are we nearer Schemadari or Dilessi?" They said, "We are nearer Dilessi." I said, "Let us go to Dilessi first." So I arrived at Dilessi about 11 o'clock; I do not know the name of this man in Dilessi who had the remains in his house; it was a stable, and it was locked. He came out of his house with the key and unlocked the door and showed me in. I found Mr. Vyner and the Count de Boyl each in a case—an open wooden box—just some planks put together, and I touched Mr. Vyner's forehead. It was all over; and then I considered how to convey the remains of those two gentlemen. I could not convey them over the mountains, it would not have done. I asked the Brigadier where the next telegraph station was, and he said it was at Chalcis. I said, "Then we had better go off to Chalcis, and I shall telegraph to Lord Muncaster what I have found." We started at once for Chalcis, and rode along the seaside; and then we took a boat to go over to Chalcis. It takes an hour and a-half to go to Chalcis by boat, and there I telegraphed to Lord Muncaster that I had found the remains of Mr. Vyner and Count de Boyl in Dilessi, and to have a steamer as soon as possible sent to Dilessi, the transport over the mountains being impossible. At the telegraph station, remembering that the message to Mr. Noel was to Chalcis, I asked the employé, the telegraphist, if he knew Mr. Noel. He said, "Yes, Sir." I asked if he would be kind enough to send for him, "Yes," he said, and Mr. Noel was sent for, and it was not ten minutes after that Mr. Noel came. I spoke to Mr. Noel. "Oh," he said, "what a sad affair; if the brigands had not been attacked by the troops it would not have happened. This is a law the brigands have, if they are attacked they carry off their prisoners, and if the prisoners cannot go any further they kill them. Tell Mr. Erskine and Lord Muncaster not to believe anything which may be in the newspapers, or the slightest things said by persons connected even slightly with the Government. I shall be very likely able to go to Athens on Monday or Tuesday to make my report." So Mr. Noel asked me this, "I have no house here; I am only staying in a friend's house. Will you come over to this house, and have something and some refreshments." I stayed there for about an hour. Mr. Noel said, "I was up there till Thursday morning" (meaning with the brigands), "and they had then consented to embark on board an English man-of-war, and if they would have only waited" (meaning the troops) "for one single day it would have been all arranged." This Mr. Noel is a young gentleman, I judge of about 25 or 26 years of age. He is the son of an Englishman. Then I went back to Dilessi, where I arrived at 8 o'clock in the evening. On my arrival there, Colonel Théagénis and the captain (I do not know his name) were there, and Colonel Théagénis came and took my hand, and said, "How sorry I am, how very sorry for what has happened to poor Mr. Vyner! When I think that when I saw him last on Wednesday, he shook hands with me, and was so very friendly! He was a good-hearted young man." So I said, "About this matter, had the brigands been attacked?" "Oh, no," he said, "I will tell you how it happened. Alexander, the guide, came with a letter from the brigands to me; and in this letter they asked me if I would allow them to move without molesting them, without attacking them." I said to Alexander,

"Go back at once, and tell them that they can move, and that they will not be attacked." But Alexander did not go back, he made his escape. Then when our soldiers saw Mr. Herbert ill-treated and stabbed about, they could not withhold themselves, but they began to fire so ;" he says, "this is not attacking, this is defending." He said, "I told Alexander to go back and tell the brigands they would not be molested; they could move; we would not do anything. And after the affair was over, Alexander was there again, and he told me that when he came back to the place where he had left the brigands he did not find them again; they had gone away from there." Then I stayed in Dilessi overnight expecting the steam-boat, which arrived on the next morning—Sunday morning—at 5 o'clock. I embarked the remains of Mr. Vyner and Count de Boyl, and the steamer started at 6 o'clock. When I was at Dilessi I observed a spot on the hill-side where the vultures were flying round and round, and certainly there was a good amount of them, and I was told by the soldiers in Dilessi that that was the place where the bodies of the brigands lay. The bodies of the brigands were lying higher up on the slope of the hill, and nearer to Sykamenos and Oropos than where the bodies of Mr. Herbert and Mr. Lloyd were found; so I conclude that those brigands must have been killed before the others began to murder Mr. Herbert or Mr. Lloyd. [This contradicts the account given by Colonel Théagénis.] On this evening, when I met Colonel Théagénis he mentioned to me, "I have heard that Alexander has been promised 2,500*l.* sterling for this affair." Of whom he had heard it he did not tell me; but he said, "I do not trust Alexander," as if he would say, "He very likely is the man who has betrayed those gentlemen." Then I embarked the remains of Mr. Vyner and Count de Boyl on board the steamer. Dr. Bolton, from the "*Cockatrice*," was in attendance. I showed him Mr. Vyner and Count de Boyl, and he at once began his statements, and had them cleaned, and so on, as is usually done, to look at the wounds, and put all right and take a statement. Dr. Bolton told me that Mr. Vyner must have been dead instantly; that in his expression there was no sign of suffering—nothing at all of the kind—just a quiet expression of face. This is a great consolation, and I am very happy to be able to make this statement. I had a conversation with a Scotch engineer of the steamer, Mr. Yates, who told me that he had seen the whole affair. He was upon the mast, and had seen it all. He would not tell me what he had seen, as, being in the service of the Greek Government, he was obliged to be quiet. He was afraid to tell. He said he wished he could tell. Dr. Bolton told me, "There, you see, is an Englishman; if he only could speak he knows it." He was talking of Mr. Yates. He said, "There must have been something wrong—they must have been attacked." So we arrived, at 7 o'clock in the evening, at the Piræus. I went on board the "*Cockatrice*," and had some letters from Commander Prowse to take to Athens, and I came up by the 9 o'clock train to Athens and left the remains of Mr. Vyner and Count de Boyl on the steamer. I was examined by the Procureur du Roi in French, but Mr. Erskine was not present, and I was not examined by Mr. Erskine at all.

(Signed) LOUIS GLEISSNER.

Inclosure 2.

Mr. F. G. Vyner to Lord Muncaster.

My dear Muncaster,

April 19, Tuesday, 8 A.M.

WE are all fairly well, as we have food, shelter, and drink, with smoke. Our spirits are not so good, as the uncertainty of our future is at times enough to drive us wild. Gleissner told me privately that you suggested coming here; on no account do so, as it cannot better matters. Do not let the Government drop this matter; they (the brigands) will not come down, as far as money goes, be we with them ever so long.

I trust they will send a decisive answer by the Demarch, who, I think, Arvanitakos would believe more readily than the late messengers from Government.

I shall very likely send by the next messenger some letters which I desire to be kept unopened, relative to business, &c., in case anything may happen to me, when you can send them to my people.

I consider the idea of Gleissner exchanging with me impossible, and were it possible I would not hear of it for a minute. Telegraph to De Grey to ask Lord Clarendon to urge on the Greek Government to get us released, as they can do it, and will, if sufficient pressure is put on them; and write to him, or send on this letter, explaining that this is no ordinary act of brigandage, but to a certain amount political; and that we went to Marathon on the War Minister's word. Gleissner will explain about Lady M.'s chain.

I am much afraid that we shall have to go north. We are only about two hours from Bœotia. The scenery is lovely, but the strain on our nerves is great. I trust to God that negotiations will soon be finished; but the Greeks are not, to my idea, business-like. Tell my mother that time is so short I can only just scrawl a line to her; and I should deem it a great kindness if you or Lady M. would write to her by each mail. Pray to God to watch over us.

Yours affectionately,
(Signed) F. G. VYNER.

P.S.—Best regards to Lady Muncaster.

Inclosure 3.

Mr. Lloyd to Lord Muncaster.

Dear Muncaster,

THINGS do not look pleasant, and we are all in a very unhappy state of mind. You must try what you can do to get the amnesty; but we shall have to pay besides. But I see little prospect of a satisfactory conclusion, unless the Greek Government at once sends out an Agent to treat about the amnesty. They require an answer in Greek to their letter to Messrs. Erskine and Minerva. You must get something sent.

Yours, &c.
(Signed) E. LLOYD.

I perfectly agree with what has been said before, I will pay as much as I have in the world. But an Agent from the Government is, to my mind, indispensable.

God be with us.

(Signed) FREDERICK VYNER.

P.S.—Don't send the ransom by itself.

Inclosure 4.

Mr. F. G. Vyner to Lord Muncaster.

(Extract.)

(Apparently April 20.)

THE messenger has arrived from Athens, and has, in conjunction with Noel, had a lengthened interview with the Chief; the result is unfavourable. The Chief has said to Noel that he will keep us safe for three or four months; but of course, the soldiers being set loose has done away with our security, and on the first engagement with the troops we must die, as they would kill us at once. The proposition of being sent out of the country they at present will not agree to at all. On the second proposition of being sent to prison for trial, they say rather than do that they would die fighting, as they put no trust in the Greek Government.

There is one thing they would agree to, namely, that a formal trial should be held here, and that they should be pardoned afterwards; this does not seem illegal, and thank the King and his Ministers on my behalf for their kindness, and say that I do not ask (for I am powerless to do that), but that, as a dying man, I implore of them humbly to grant this request of the brigands, and to prevent the operations of the soldiers; as if not, we must die in a day or two, besides the needless bloodshed that would ensue. The Government official regards our position as beyond hope, so we must trust to God that we may die bravely, as Englishmen should do.

* * * * *

Pray for your unfortunate but affectionate friend.

(Signed) FREDERICK VYNER.

P.S.—Show this to Mr. Erskine, if you like. No chance of a messenger; if there is, send a Bible.

These men are desperate; no pressure will avail.

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.					Page
1.	Sir A. Paget to the Earl of Clarendon	..	..	..	May 11, 1870 1
	One Inclosure.				
2.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 7, — 19
	Two Inclosures.				
3.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 7, — 20
	One Inclosure.				
4.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 7, — 22
5.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 7, — 22

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Sir A. Paget to the Earl of Clarendon.—(Received May 14.)

My Lord,

Florence, May 11, 1870.

I HAVE the honour to inclose the accompanying copies of the correspondence laid before the Italian Parliament relative to the capture and murder of Count Boyl and of British subjects by the brigands in the neighbourhood of Athens, which I have only obtained this morning.

Translations of the documents in Italian are subjoined, and I trust that the haste in which they have been made may be held as an excuse for any imperfections which may be found in them.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 1.

Documents relative to the Murder of Count Alberto Boyl, Secretary of the Italian Legation in Greece, presented to the Italian Chamber of Deputies.

(No. 1.)

The Minister for Foreign Affairs to His Majesty's Minister at Athens.

(Translation.)

Sir,

Florence, April 15, 1870.

IMMEDIATELY on the receipt of your telegrams, in which you inform me that Count Boyl, Secretary to your Legation, had fallen into the hands of a band of robbers, I informed his family of the fact; and Count d'Agliè, brother-in-law to Count Boyl, has this day telegraphed to me that, considering the urgency of the case, he authorized me to do what was necessary to obtain the immediate liberation of the prisoner, acting in concert with the English Legation.

In an affair of this description I cannot from here give you any other instructions, except to use all your energy in procuring the liberation of the captives. Among the questions that will arise hereafter, one will be, whether the Greek Government should not pay the sum demanded by the brigands for the ransom of their prisoners; but even on this point I cannot as yet give you a decided opinion. It will be seen later on whether the direct responsibility of this affair rests with the Greek Government or not, according to the manner in which the peculiar circumstances of the case are cleared up. I leave it, in the meanwhile, to you to consider these circumstances, and to see how far the local Government may be made responsible for the want of safety in a place so near the capital.

I authorize you to take, in concert with the English Minister, any steps which may be considered efficacious for attaining the end, which is of course to obtain the safety of the prisoners. I am aware that this full authority to take all necessary measures will be

sufficient to prompt you to the greatest zeal in urging the Greek Government to provide means for hastening the liberation of Count Boyl.

Accept, &c.
(Signed) VISCONTI VENOSTA.

(No. 2.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Signor Ministro,

Athens, April 14, 1870.

(Received April 20.)

I CONFIRM my cyphered telegrams, two of Tuesday, the 12th instant, and one of yesterday, the 13th, relative to the capture of Count Boyl, Secretary of this Legation, by a numerous band of brigands.

I now proceed to make a more circumstantial Report:—

Last Saturday Count Boyl told me that some English gentlemen, amongst whom the Secretary of the British Legation, would make, on Monday, a trip to Marathon, starting in the morning and returning to dinner, and he asked me permission to accompany them. I had no difficulty in acceding to his request, being persuaded that my English colleague would, as it was right to do, have solicited from the authorities an escort and such precautions as were necessary for the protection of the travellers. In effect, on Sunday evening Mr. Erskine told me that he had already on Saturday sent an official of his Legation to the Director of the Police, from whom he learnt that the proper orders had been given.

On Monday morning, at 6 o'clock, the travellers started, escorted by four gendarmes on horseback. The company was composed as follows:—Lord Muncaster and my Lady, Mr. Vyner, brother-in-law of Lord de Grey, Mr. Herbert, Secretary of the English Legation, Count Boyl, the Advocate Lloyd, his wife, and their daughter of 7 or 8 years old, a Greek courier named Alexander, and the servant of Count Boyl; all in two carriages.

They arrived at Marathon about half-past 11 o'clock, and after having visited the ground (for there are no traces of antiquities), about 2 o'clock they set out on their return. After two hours on the road, having changed horses, between two bridges, at a spot shaded by trees and bushes, near the place called Pikermi, there was (according to the report made to me by the servant of the Count) a gun-shot fired as a signal to them to stop. Two gendarmes preceded the carriages and two followed them. The two first fired on the brigands, who replied by a discharge and severely wounded the two gendarmes; one of these is already dead, and the other is very ill.

After that the brigands, to the number of 21, came out of their hiding-place, made the travellers descend, took the two gendarmes who had surrendered, and with the three horses set out to ascend the mountain of Pentelicus. They had barely proceeded many minutes on the road when a small detachment of infantry which followed at a distance to explore the road, having heard the gun-shots, started in pursuit, and at a certain distance fired on the group of travellers surrounded by the brigands. Shortly afterwards a more numerous detachment of infantry, which was coming from Marathon, joined in the pursuit, and as soon as they were within range commenced firing with Chassepôt muskets. In this skirmish the travellers ran a real danger, as well from the balls of the soldiers, which they heard whistling close to them, as from the threats of the brigands, who pointed their guns at them. To avoid the first danger they all put themselves on the ground, crawling and trying to cover themselves by the sinuosities of the ground. The firing of the soldiers having ceased, the company continuing the ascent, the women on horseback and the others on foot, arrived at a little meadow, where there was a small rustic house, and everything that indicated a temporary establishment of shepherds. After a short pause all again started, and arrived at the summit of a slope of Pentelicus, where there was nothing but stones and bushes. Having consulted, the brigands decided on allowing the ladies to leave. Having given them the three horses, they were sent to Athens accompanied by the two gendarmes and the servant of the Count in attendance on the little girl. After a fatiguing journey they arrived at a village, where they found the carriage waiting for them, and they arrived in town about 10 o'clock in the evening.

One of the carriages had been immediately sent to Athens with the two wounded gendarmes, the coachman of the other, knowing that in similar circumstances the brigands, having reached a place of security, are in the habit of immediately sending away the

women, stopped at the village of Karvati to wait for them, as he said, until 11 o'clock, and in fact they arrived much earlier.

The brigands retained the five travellers and the interpreter, and they no sooner learnt that there were two Secretaries of foreign Legations than they commenced dancing and jumping with frantic joy.

The news of this capture arrived in the city, by means of the first carriage, about 8 o'clock in the evening. At that moment I was out of my house, but about 9 I found persons who were waiting for me to relate the news which circulated. I immediately went to my English colleague. He had already been to the Minister of War, but he returned there with me in order to obtain later news. General Soutzo, surrounded by Ministers and by a crowd of civil and military employés, told us that orders had been given for the movement of troops, and that people had been sent to ascertain where the brigands were.

At 11 o'clock the servant of Count Boyl arrived, bringing me a note in which the Count told me that it was necessary before all things to suspend all pursuit on the part of the troops. The other prisoners wrote in the same sense, adding that they had been asked a ransom of 32,000*l.* sterling.

One of the gendarmes brought a letter from the chief of the brigands to the Minister of War, the sense of which was as follows :—"We give you notice that we have taken the English lord with his companions; you will send us within three days 50,000*l.* sterling; you will prevent all pursuit—otherwise we will kill the gentlemen; and you will give orders in the provinces that they should not molest us."

After this news the first orders which were given were to suspend all movement of the troops; messengers were then sent to ascertain where the brigands were, with a view to communicating with them. Tuesday morning I saw M. Valaority, who confirmed these arrangements, and assured me of the earnest intention on the part of the Government to succeed in the point which was most urgent, viz., to avoid any immediate danger for the prisoners, and to liberate them as soon as possible; that which formed the principal object of the pre-occupations of the English Minister and my own.

While the reports of the messengers sent to discover traces of the brigands were being waited for, Lord Muncaster arrived on Wednesday at 1 P.M., bringing the following conditions on the part of the brigands :—"25,000*l.* sterling, or complete amnesty for the twenty-one brigands."

Called immediately by my colleague of England, I went immediately to the inn, where my Lord gave me good news of Count Boyl, and communicated to me the conditions of which he was the bearer. Shortly after arrived the Minister of War, to whom we imparted the mission of Lord Muncaster. General Soutzo immediately left to confer with his colleagues. My Lord would not say where the brigands were, having thereupon pledged his word. He added, nevertheless, that we should immediately prepare some large cloaks ("cappotti"), and some clothing, the prisoners being always in the open, and that the whole should be sent in the course of the day by the same means by which he had come; that is to say, by a carter with a cart, accompanied by the servant of Count Boyl, already known by the brigands.

The servant returned this morning, and from what he told me as to the time employed in reaching them it is concluded the brigands must be four or five hours distant from the capital. He gave me good news of the travellers, who were under shelter in a shepherd's cabin. He has, nevertheless, brought letters which complicate the situation and render it difficult. The proposals brought by Lord Muncaster were either 25,000*l.* sterling or the amnesty; to-day, in a letter, of which I annex a translated copy, directed to me and the Minister of England, the chief of the brigands demands both the one thing and the other.

As regards the money, arrangements have already been made so that the sum should be ready to-day, or at the latest to-morrow. But to grant an amnesty is contrary to the Constitution, which neither the Chamber nor the Ministry are able to infringe, nor can any modification be introduced into it till four years hence. From the annexed answer, in translated copy, which Mr. Erskine and I have made to the Chief of the brigands, your your Excellency will see what are the arrangements which have been communicated to us by M. Zaïmis and M. Valaority—arrangements decided on this morning after the return of the King.

I had the honour to be received by His Majesty to-day. I found the King angry, most afflicted, and ready for any sacrifice, even personal. He confirmed to me the arrangements which had been taken, and assured me that he made it a point of honour the prisoners being released immediately. I thanked His Majesty, and promised him that I would report on the matter to my Government. I expressed to him, moreover, that I

shared the regret which was caused to him by this event, particularly after a journey of ovations which he had made in the Cyclades.

We are now awaiting the answer which the messengers of the Government shall bring, and which cannot arrive before to-morrow morning.

Therefore closing this report, and in conformity with my telegram of yesterday, I must add that I have thought it my duty to address a note to the Greek Government rendering it responsible for the consequences founded on the absolute and incontestable want of precautions. Your Excellency will find annexed a copy of the note, the contents of which I trust may be approved.

My colleague of England the same day sent in his note entering into more particulars both as regards the event and the precautions taken by him to warn the authorities in time. He says that he will refer on the matter to his Minister for Foreign Affairs, who will decide if the Greek Government is to be responsible for the amount of the ransom, and he makes his reserves thereupon.

Simultaneously the Ministers of France, Austria, and Prussia (as yet I am not aware about the others), basing it on the violation of the security due to Diplomatic employés, and in order not to prejudice future rights, have made a verbal communication to the Minister for Foreign Affairs expressing to him their conviction that the Hellenic Government was bound to pay the ransom.

By the post of the day after to-morrow I will send another report to complete, and add those facts and incidents which may arise; and in the meantime, &c.

(Signed) DELLA MINERVA.

Annex No. 1.

MM. les Ministres d'Angleterre et d'Italie,

Les messieurs sont très-bien. Mais quant à ce dont nous sommes convenus avec le monsieur concernant la rançon de 25,000 livres, nous demandons au Gouvernement Hellénique l'amnistie et que les poursuites soient empêchées non-seulement en Attique, mais dans toutes les provinces; car, si nous nous apercevons qu'on nous poursuit, les messieurs seront en danger. Nous attendons votre réponse demain sans faute.

Annex No. 2.

LES Ministres Anglais et Italien ont reçu votre communication.

Il n'y aura aucune difficulté quant au paiement de l'argent. Vous ne devez pas insister sur une amnistie, que le Gouvernement Grec n'a pas le pouvoir d'accorder.

Des personnes sont envoyées pour négocier avec vous. En attendant tant le Roi que le Président du Conseil ont assuré le Ministre d'Angleterre que vous ne serez point inquiétés.

Faites ce que vous pouvez pour vos prisonniers. Vous pouvez même sans inquiétude les mettre à couvert dans quelque habitation rurale.

Annex No. 3.

His Majesty's Minister at Athens to the Greek Minister for Foreign Affairs.

M. le Ministre,

Athènes, le 13 Avril, 1870.

AVANT-HIER vers les quatre heures de l'après midi à 12 milles d'Athènes le Comte de Boyl, Premier Secrétaire de la Légation d'Italie, de retour de Maratone, où il s'était rendu dès le matin avec plusieurs messieurs et dames Anglais, a été pris par les brigands, malgré l'escorte de quatre gendarmes à cheval fournie par l'autorité militaire d'Athènes qui avait été prévenue. Ce fait très-grave en soi-même prend des proportions plus grandes, soit par la qualité officielle de la personne, soit par la considération suivante.

Il est vraiment inconcevable qu'une bande nombreuse de plus de vingt brigands ait pénétré dans l'Attique et se soit campée si près de la capitale attendant probablement des renseignements pour surprendre des voyageurs, sans qu'aucune autorité de police ni le Gouvernement lui-même en ait eu connaissance!

Le Gouvernement Hellénique, d'ailleurs, à plusieurs reprises et très-récemment donnait les assurances les plus positives sur la sécurité complète dans l'Attique.

En présence de ces circonstances, qui dénotent un manque absolu de surveillance, il est de mon devoir, dans l'intérêt d'un sujet Italien revêtu du caractère diplomatique, de rendre responsable le Gouvernement Hellénique de toutes les conséquences de quelque nature qu'elles soient qui puissent naître de cet acte de brigandage.

Je ne doute pas qu'en présence de cette grave responsabilité le Gouvernement prendra telles mesures qui puissent satisfaire le Gouvernement Italien.

J'ai, &c.
(Signé) DELLA MINERVA.

(No. 3.)

The Secretary-General of the Ministry for Foreign Affairs to His Majesty's Minister at Athens.

(Translation.)

Count,

Florence, April 23, 1870.

WE are deeply affected by the news conveyed to us this morning by your telegram of the death of our distinguished and lamented friend and colleague Boyl. I informed the Minister, who is at present at Milan, of this, and also communicated with the Prefect of Genoa, where the parents are residing, in order that he might prepare them and inform them of what had occurred, and that he might at the same time learn their intentions respecting the eventual transfer of the corpse of the deceased.

The Chevalier Visconti Venosta instructs me to state to you that he is fully convinced that you, as well as the English Minister, will have done everything in your power to save the life of Count Boyl. In truth, it is difficult to conceive why the Greek Government, which displays so little vigilance or activity for the safety of its own territory in the neighbourhood of Athens itself, could not on this occasion give time and provide means for saving the persons captured by the brigands. I do not doubt that the two Legations immediately took all the necessary steps in order that the responsibility of so serious an affair should fall on those who ought to bear it. The Minister refrains from sending you instructions until, from your reports, he shall have become thoroughly acquainted with all that took place; but I feel sure that you may consider yourself fully authorized to concert measures with the English Minister in the present painful circumstances, as you already had done while there was yet hope of saving our unfortunate colleague. In the meantime I beg to thank you, in the name of the Minister, for the efforts which, from your telegrams, and from the reports that have as yet reached us, you appear to have made in order to gain the object which failed so deplorably.

Count Alberto di Boyl is keenly regretted by us all, and leaves amongst us a distinguished and cherished name. He fell a victim to an unforeseen occurrence, and his life, which he was consecrating studiously and worthily to the service of the King, was prematurely cut off. As I inform you this day by telegraph, the Government desire you to see that the highest honours be paid in Greece to the remains of the deceased.

Receive, &c.
(Signed) BLANC.

(No. 4.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Sir,

Athens, April 16, 1870.

(Received April 25.)

I CONFIRM my telegram of yesterday's date. I informed you by it that the brigands demanded the money and the amnesty.

In my preceding Report I informed you of the state of affairs on the 14th instant, respecting the ransom of the gentlemen in the hands of the brigands. One of the messengers sent by the Government returned yesterday morning. The brigands insisted on the amnesty, adding that according to the opinion of a certain "strong-minded" person the same could be granted. However, to make quite sure, they had asked for and were awaiting the opinion of three lawyers whom they named. M. Zaïmis doubted that the names of the lawyers communicated to him were the real ones. However this may be, the messenger yesterday afternoon returned to the brigands bearing the opinion in question. By this or by another opportunity, the Ministry, insisting on the impossibility of granting an amnesty, made other proposals to the brigands, namely, to facilitate their escape to a

foreign country, and to pardon them if they were subsequently captured. I do not know as yet how the brigands have received these proposals.

M. Zaïmis told me yesterday that he had found out that two other messengers, besides those of the Government, had left Athens; that one of them was the bearer of a letter to the chief of the brigands, who, on the receipt of it, changed his terms, and instead of discussing the question of amnesty in the way he had apparently decided on, grew emboldened, and put forth new and more serious pretensions, one of which was that the amnesty should be extended to all brigands.

These communications between the brigands and persons not belonging to the Government, and perhaps hostile to it, have induced the latter to give strict orders to the leaders of the detachments posted along the roads not to allow any one unprovided with a letter from the Minister of War to pass.

The fact of this attempt made by the brigands is connected with the great amount of communication they have with the city; communications which the police of Athens do not, or at any rate ought not to ignore. The brigands themselves confess that a part of the money they are about to receive will be distributed among those who are in communication with them.

Yesterday morning I received a letter from Count Boyl informing me that he was in good health, and that he trusted the negotiations would soon be successful. In the meantime, through the messengers who bear our communications, we manage to send to the prisoners such things as may render their present situation less hard to bear.

In my preceding Report I said that the Ministers of France, Austria, and Prussia had made verbal communications to the Minister for Foreign Affairs with regard to this matter. I have subsequently learnt that the other Ministers have also spoken with M. Valaority, stating that the Greek Government is bound to pay the ransom.

The Ministry has not yet pronounced an opinion respecting this part of the question. And neither I nor the English Minister have thought fit to bring it forward at present, as our first and chief endeavour should be to liberate our fellow-countrymen.

Nevertheless, I have taken steps in order to prevent Count Boyl from being placed in the disagreeable position of not being able to ransom himself when the others had found means to do so; and I was further desirous that the want of Count Boyl's share of the ransom should not become an obstacle to the liberation of his companions in misfortune.

It is the opinion of certain persons here that it would be a service to the country to oblige Greece to pay the ransom in the present instance, as the authorities would be thus urged to use greater vigilance for the future. Moreover, in order more effectively to extirpate brigandage, it would be necessary to make the Communes responsible for the ransoms levied in their districts. This measure would, however, be difficult of execution, and I even remember that a law in this sense was rejected by the Chamber when it was brought in.

In the meantime the panic is universal, and no one dares leave the city. Every movement of the troops has been suspended in order not to rouse suspicion among the brigands who hold the prisoners. This circumstance may embolden some other robber chief to attempt a capture, which may place him in the same favourable position as is now occupied by Dimitri Arvanitaki.

Accept, &c.
(Signed) DELLA MINERVA.

P.S.—I had finished the present Report when the news arrived that the brigands yesterday morning left Keramidi under Pentelicus, and went, it is believed, to Oropos. The distance from the capital is now doubled, and we shall, therefore, hardly get news to-day. The brigands say that the gentlemen are better. They have taken with them the emissaries of the Government in order to continue negotiations.

D. M.

(No. 5.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)
Sir,

*Athens, April 23, 1870.
(Received April 29.)*

SINCE my last despatch of the 16th instant, and since the several telegrams which I successively sent to your Excellency, I am with difficulty able to collect my ideas in order

properly to give an account of the misfortune which befell the four travellers, our colleague, Count Boyl, being among the number.

On the 18th instant I received a letter from Count Boyl, dated the 16th instant, and on the 18th I telegraphed, giving good news of the Count, but adding that the brigands insisted more than ever on an amnesty or on a royal pardon. The former, as I have already stated, is contrary to the 29th Article of the Constitution, and the pardon cannot be granted except after a formal trial, and on the condition that the culprits give themselves up. Both the English Minister and I had given the assurance that the royal pardon would be granted, but we added that a trial was necessary.

The brigands would not trust the assurance, and declared that they would not remain a single day in prison in the power of the Greeks.

The Chief Arvanitaki repeated constantly to his prisoners that their lives were valuable enough for the Italian and English Governments to use strong pressure on that of Greece, in order to make it alter both Constitution and Laws.

It was not therefore possible to overcome these difficulties. The Government had declared its inability to accord what was demanded, and had moreover stated that, were it to give way, its acts would be null and without effect when the time for putting them into execution arrived. We had always communicated these observations to the prisoners, in order that they might explain them to their captors; but all in vain. Then the English Minister, in order to overcome these demands, proposed to convey the brigands to a place of safety by means of an English war-steamer which was expected to arrive every moment, and he telegraphed his intention to his Government.

The letter of the 18th said that the brigands were not satisfied with the persons sent by the Greek Government to negotiate with them, and urgently demanded that men of more authority should be sent.

Mr. Erskine proposed Lieutenant-Colonel Théagénis, Aide-de-camp to General Church, a gentleman who enjoys a good reputation. The Ministry agreed to the choice, and the Colonel was instructed to repair to the house of the English Minister, whither I also went, and was present when the instructions issued by the President of the Council and the Minister for Foreign Affairs, with our sanction, were given to him.

Your Excellency will find the instructions herewith inclosed. They may be summed up as follows:—

The Government is disposed to give the brigands every means of leaving the country and of saving their lives. Moreover, if they will agree to it, an English vessel of war will bring them the ransom of 25,000*l.*, and will take them on board and convey them wherever they may wish to go. (Inclosure No. 1.)

However, at the same time, in order to prevent the brigands from carrying out the plan they had formed of taking their prisoners into Thessaly, troops were moved up on all sides, and were so placed as to be at two or three hours' distance from Oropos, where the brigands were. The soldiers received strict orders not to fire, if the lives of the prisoners were in any way endangered. The first and most important question was how to save the prisoners.

Colonel Théagénis arrived on Tuesday evening at Oropos, and on Wednesday the 20th, in company with Mr. Noel, he had an interview with the brigand Chief, who would not listen to reason. Your Excellency will perceive from the inclosed Report (No. 2) of the Lieutenant-Colonel, that Arvanitaki was in a state of irritation and expected a surprise.

On the morning of the 21st, letters arrived from our friends dated the 20th, together with the Report of Théagénis. The former were discouraging; it seemed that they foresaw their sad end. Boyl, Vyner, and Lloyd sent letters containing their last wishes. Herbert had done the same the day after the capture. Boyl conveyed his wishes in a letter addressed to me, written in pencil. I have sent this document officially to His Majesty's Consul, in order that he should take the necessary legal steps in concert with your Excellency's Office.

Théagénis' Report and the letters we received disquieted Mr. Erskine and me greatly. We waited upon M. Zaïmis, with whom the Council of Ministers were; the question of pardon was discussed, and, at my instigation, the Procurator-General, M. Privilegio, was called in order to see if no means could be found for facilitating the granting of the pardon. But the difficulty was always found in the Greek Code, which exacts a trial, for which purpose the guilty party must give himself up and be condemned. The pardon can only be granted after the condemnation. The brigands had declared for their part that they would not remain even an hour in prison.

Towards 3 P.M. a reassuring message arrived from Mr. Noël, stating that the brigands consented to negotiate about emigration. Your Excellency will find herewith inclosed the telegrams which passed between Mr. Erskine and Mr. Noel (No. 3). All this was

carried on by the English Minister and by me with perfect mutual agreement. We separated towards 10 P.M., and I went home, when a little after midnight I was informed that Messrs. Zaimis and Valaority wished to speak to me immediately. They came to inform me of the tragical end of the two Secretaries of Legation, and next morning we learnt that the misfortune was complete—later news having been received to the effect that the other two prisoners had been massacred.

From the information received, one can gather that the brigands, having become acquainted with the positions occupied by the troops, attempted to escape through the sort of blockade which had been established round Oropos. The position of the bodies of Herbert and Boyl, found by the Commander of the war steamer "Affroessa," which was cruising in those waters, leads one to believe that the brigands killed their prisoners with cutting weapons, when, from want of strength, they became unable to keep up in the retreat. This is the custom of the bandits. Vyner held out longer than the others, and was killed last of all near Thebes.

I have asked the Minister for Foreign Affairs for a copy of the report of the Commander of the "Affroessa," and for one of that of the Commander of the troops who fired on the brigands, because from these documents one can derive further information respecting the last act of this tragedy.

I have, &c.
(Signed) DELLA MINERVA.

P.S.—From later intelligence, it appears that Count Boyl resisted the fatigue of the retreat for the longest time, for his body was found a great distance off. The body spoken of in the first telegram communicated to me by the Ministry was that of Mr. Lloyd, the lawyer.

D. M.

Annex No. 1.

M. le Lieutenant-Colonel,

NOUS avons pris connaissance de la lettre que vous avez adressée à M. le Capitaine S. Apostolides, par laquelle vous faites voir que vous soupçonnez le départ des Arvanitéi. Nous nous hâtons de vous transmettre l'ordre, en cas d'un refus des Arvanitéi de délivrer les captifs en en recevant la rançon, de donner ordre aux détachements militaires de faire le blocus d'Oropos et d'en empêcher, de toute leur force, la sortie des Arvanitéi avec leurs captifs. Dès qu'ils seront étroitement cernés dans Oropos, vous proposerez de nouveau aux Arvanitéi qu'ils peuvent, après avoir reçu la rançon et délivré les captifs, se retirer où ils voudront.

Annex No. 2.

M. le Président,

Le $\frac{8}{20}$ Avril, 1870.

CE matin, malgré la pluie, je me suis rendu à l'échelle d'Oropos, avec cinq des cavaliers sous mes ordres, pour y rencontrer M. Noël, arrivé de Chalcis avec un des frères des Arvanitéi; mais je n'ai pas pu l'y trouver, car Christo Arvaniti, avec quatre de ses compagnons, s'était rendu dès le soir de la veille à la rencontre de son frère, et l'ayant pris avec lui ainsi que M. Noël, il est allé au village d'Oropos, où sa bande et les prisonniers Européens sont installés. Je me suis donc décidé de me rendre aussi au susdit village. A mon arrivée j'ai trouvé les brigands devant la maison de Scourlianti, qui me reçurent et me conduisirent à l'habitation des prisonniers. Je me suis empressé de remettre les lettres que j'avais à l'adresse de ces messieurs, sans avoir rencontré aucun obstacle. Après quelques mots échangés, je me suis rendu avec Taco (Dimitri) Arvaniti, qui se dit le Chef de la bande, et avec M. Noël dans une chambre à part, et j'ai commencé avec eux des pourparlers pour la délivrance des prisonniers. Je lui ai représenté d'un côté toutes les difficultés qui s'opposent à l'admission de leur demande, et d'autre tous les moyens que le Gouvernement veut bien mettre à sa disposition dans leur intérêt matériel, aussi bien que pour la sûreté de sa bande, en lui faisant voir en même temps les périls certains et sa complète destruction, s'il insistait dans ses demandes impossibles et s'il continuait à détenir les étrangers. Je lui ai lu les instructions et je les ai commentées sous plus d'un point de vue, mais tout a été en vain; ni lui ni son frère Christo, qui est venu prendre part à la conversation, ont voulu consentir. C'est à l'amnistie qu'ils s'accrochent toujours, et quand je leur ai expliqué que le Gouvernement est bien disposé même à cela, mais que ce n'est pas dans son pouvoir de la leur accorder, la Constitution s'y opposant, "Et qui est-ce qui a fait la Constitution?" m'ont ils demandé. "La nation," leur répondis-je. "Eh

bien ! que la nation s'assemble pour la modifier ; qui peut faire peut aussi défaire. Nous ne sommes pas pressés, nous saurons attendre, et dix mois même." "Comment donc, en gardant les prisonniers ?" demandais-je. "Mais certainement," m'ont-ils répondu : "c'est Dieu qui nous les a envoyés pour nous sauver," &c.

Telles étaient en général leurs prétentions insensées. Ensuite nous sommes venus à parler de la mesure de leur grâce, et je les ai assurés que ceci est bien possible, la grâce étant une des prérogatives Royales, mais qu'un arrêt préalable est de rigueur. "Alors qu'une Cour d'Assises vienne ici pour nous juger et nous condamner," répondirent-ils, "afin que la loi soit exécutée complètement."

Leurs prétentions, comme vous voyez, étaient aussi insensées que repoussantes. Quand je leur ai dit qu'ils devaient rester à Oropos, aussi bien en faveur des étrangers que pour leur propre sûreté, car ici ils ne sont pas poursuivis, tandis que s'ils se hasardaient de s'éloigner d'Oropos ils pourraient rencontrer des détachements qui pourraient très-bien ne pas respecter l'inviolabilité qu'ils trouvent à Oropos, ils s'irritèrent et me dirent, "Nous le voyons très-bien, des embûches nous sont dressées ; mais nous tuerons les prisonniers."

Après quelque temps ils ordonnèrent des préparatifs de départ et bientôt ils changèrent d'avis. Ils ont obligé cependant les prisonniers d'écrire à MM. les Ministres ces détails, et de demander une réponse jusqu'à demain soir. Ils prétendaient que cette dernière résolution est contraire à celle prise précédemment, d'après laquelle ils avaient cru comme générale et absolue la permission de se servir des maisons de campagne. Après avoir maintefois répété mes conseils, mais toujours sans aucun résultat, et ayant vu qu'aucun arrangement ne pouvait être espéré, mais qu'on répétait toujours qu'ils voulaient sauver leurs têtes, et les sauver sur le lieu même, j'ai été obligé de m'en aller.

D'après ce que j'ai compris de leurs expressions, je suis convaincu qu'ils espèrent que le Gouvernement sera obligé par les Ministres d'accepter leurs propositions, quoique j'aie tâché de leur expliquer l'opinion des Ministres qui approuvent les décisions du Gouvernement. Il paraît qu'ils ont l'intention, ou plutôt la résolution, d'avancer vers la Béotie et plus en avant, et une attaque contre eux ne peut qu'exposer à un péril inévitable la vie des prisonniers—péril que prévoient parfaitement ces messieurs. Demain avec les cavaliers sous mes ordres je me rends à Salessi pour communiquer à MM. les Capitaines Apostolides et Liacopoulo, qui s'y trouvent, la résolution du Gouvernement d'empêcher même par la force l'avancement de la bande des Arvanitéi vers la Béotie. C'est dans ce village que j'attendrai les ordres du Gouvernement, qui peut-être croit comme moi que ma mission est terminée après ce que j'ai eu l'honneur de lui exposer. J'espère que le village de Salessi ainsi que d'autres positions favorables ont été aujourd'hui même occupées par les soldats, comme du reste le démontre la lettre ci-incluse de M. Apostolides. Ce qui m'a frappé cependant, c'est que les brigands n'ont eu aucune connaissance des mesures qui sont prises.

Il y a deux heures qu'un bateau-à-vapeur Royal est venu ancrer à l'échelle d'Oropos. J'ai envoyé demander à M. le Commandant s'il avait apporté quelque chose ayant rapport à ma mission ; il m'a répondu qu'il ne faisait que croiser.

Agréez, &c.
(Signé) B. THEAGENIS.

Annex No. 3.

M. Erskine, Athènes. *Chalcis, le 21, à 1 heure 40 minutes.*

BRIGANDS ce soir à Sikamenos, un quart d'heure d'Oropos. Détachement ne doit point poursuivre. Les brigands consentiront. Répondez.

(Signé) NOEL.

Athènes, le même jour, à 3 heures 30 minutes après midi.

LE Gouvernement consent à ne pas les inquiéter à Sikamenos. Allez à Oropos avec "l'Affroessa" et traitez pour l'embarquement à bord d'un navire de guerre Anglais.

(Signé) ERSKINE.

M. Erskine, Athènes.

Chalcis, le même jour, à 5 heures après midi.

EN ce moment j'ai reçu votre dépêche, et je pars pour Oropos.

(Signé) NOEL.

(No. 6.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, April 23, 1870.

Sir,

(Received April 29.)

THE Greek man-of-war steamer "Affroessa" arrived at the Piræus at 2 A.M., from Chalcis, bringing the bodies of two of the unfortunate victims of the ferocity of the brigands, namely, the bodies of Herbert and of Lloyd.

As it had been said that all the four bodies would be on board, the English Minister and I both went to the Piræus to receive the corpses. As the body of Count Boyl was not there, I returned to town. The English Minister remained and accompanied the body of his countrymen to Athens. To-morrow it will be my turn, as the steamer returns to Chalcis for the other two bodies. The bodies of the Englishmen have been carried straight to the Protestant church; but that of Count Boyl will be brought to my house, where I have prepared a proper place for it.

Monday, at 3 P.M., the funeral procession, accompanied by the Corps Diplomatique, in uniform, by all the Italian Colony, and by the officers of the men-of-war, will go to the Catholic church, where the clergy will celebrate the funeral service.

His Majesty has let me know that he wishes to be informed of the hour, as he intends attending the funeral of the Secretary of the Italian Legation.

It is needless for me to dilate upon the grief caused here by the premature end of Count Boyl. In the six months of his residence in Athens he had, by the goodness and sweetness of his character, by his delicate and gentle manners, gained the esteem and affection of all those who knew him. As for me, I cannot find words sufficient to express my admiration of him; and the chief pang I feel is the idea that, although, in conjunction with my English colleague, I did everything I possibly could for the liberation of the unfortunate captives, yet there may have been some involuntary omission on my part which may, perhaps, have caused the failure of our plan.

It is on this occasion my duty to render due justice to Mr. Erskine, my old friend and colleague, for the activity and zeal which he has displayed under these melancholy circumstances, omitting nothing, and trying every way to liberate the unfortunate captives. We have always agreed on all points, meeting every day and conferring together freely, and our decisions were always the result of a perfect concord in the exchange of our ideas. I therefore consider it my strict duty to declare that, just as I have shared with him the grief, so must I also share with him all the responsibility of the events.

Before concluding this report, I must add that His Majesty went in person to the British Legation to express his condolences. As he at that moment found me with my colleague, His Majesty told me that he had intended to come also to my house for the like object; but that, finding me there, he begged me to accept his condolences as if they had been made in my own house.

Accept, &c.

(Signed)

DELLA MINERVA.

(No. 7.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, April 23, 1870.

Sir,

(Received April 29.)

I HAVE the honour to transmit herewith copy of the communication which the Minister of Foreign Affairs has addressed to me in reply to the note which I had written to him on the ^{1st} 13th April, respecting the capture of Count Boyl.

Accept, &c.

(Signed)

DELLA MINERVA.

Annex.

The Greek Minister for Foreign Affairs to His Majesty's Minister at Athens.

M. le Comte, Athènes, ce $\frac{10}{2}$ Avril, 1870.

AU lieu de répondre à la communication que vous m'avez faite par votre office, en date du $\frac{1}{3}$ Avril, concernant l'arrestation et la séquestration de M. le Comte de Boyl, Premier Secrétaire de la Légation d'Italie, avec plusieurs messieurs et dames Anglais, par les brigands, j'ai mieux aimé m'entendre avec vous ainsi qu'avec M. le Ministre d'Angleterre sur les mesures à prendre pour sauver la vie des prisonniers.

Malheureusement, et le Roi et son Gouvernement déplorent cette calamité, tous les efforts, bien que poussés jusqu'à l'extrême limite de ce qu'il leur était possible de faire, sont restés infructueux.

Dans le dénouement terrible que vient d'avoir ce triste événement, le Roi et son Gouvernement n'ont pas d'expressions pour vous en témoigner de leurs douloureux regrets, et il n'y a pas de sacrifices que mes collègues et moi ne nous imposerons pas, en ce qui nous concerne, pour en rendre l'expression solennelle.

Agréez, &c.
(Signé) SPIRIDION VALAORITY.

(No. 8.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Sir,

Athens, April 23, 1870.

(Received April 29.)

I HAVE just returned from accompanying Messrs. Herbert and Lloyd to their last resting-place. Her Majesty the Queen assisted in the ceremony in the church, and the King went with us to accompany the bodies to the burying place.

The King asked me when would arrive the body of Boyl. I answered, that I expected it to-morrow, along with that of Vyner. The President of the Council had indeed read to me this morning a telegram from Colonel Théagénis, dated from Dilessi, which requested that the gun-boat "Affroessa" should be sent back to embark "the bodies of the foreigners," without however mentioning their names.

M. Valaority promised me to day to send me the depositions of the dragoman, who contrived to escape, and who is now in prison, and also those of a wounded brigand now confined at Chalcis.

Accept, &c.
(Signed) DELLA MINERVA.

Annexes.

Telegraphic Despatches.

(Traduction.)

Au Ministère de l'Intérieur.

Yerali, le 9 Avril, 10.30 P.M.

LA bande des Arvanitéi, poursuivie au-delà de la commune de Peræa, s'est jetée dans le district sous notre administration. La force sous nos ordres, accompagnée de citoyens, a couru de différents lieux, et, s'étant ralliée, elle a continué la poursuite. Trois brigands ont été tués; six autres blessés se sont cachés, car la poursuite, qui a continué jusqu'à 8 heures du soir, ne nous a pas permis de nous occuper de leur découverte. Les brigands sauvés sont au nombre de treize; quelques-uns entre eux sont blessés. Le Colonel Théagénis, avec le Capitaine Apostolides, suivaient aussi. Nous ne savons pas où ils se trouvent maintenant, pour les renseigner. Nous vous transmettons donc ces informations directement. Trois des prisonniers ont été malheureusement tués par les brigands. L'un d'eux a été tué avant le commencement de la poursuite.

(Signé) L'Eparque MEGAPANOS.
Le Capitaine LIACOPOULO.
Le Lieutenant d'Escadron A. SOUZO.

Au Ministère de l'Intérieur.

Schimatari, le 10 Avril, 1870, 10 heures A.M.

APRES notre télégramme d'hier soir, nous avons trouvés tués les brigands suivants : Christo Arvaniti, Chef, Tzakanika, Zioma, Jean Verphani, Elie Stathakis, Katarachias et Yeroyanni.

Alexis de Chimara a été pris prisonnier et transporté à bord du bateau-à-vapeur. Il y a neuf brigands en tout qui se sont sauvés du nombre de vingt-un qu'ils formaient. Dès le matin l'armée, accompagnée de citoyens, s'occupe à la découverte des blessés et des autres survivants.

(Signé)

Le Capitaine LIACOPOULO.

L'Eparque MEGAPANOS.

Le Lieutenant de Gendarmerie KRIKELOPOULO.

Au Ministère de la Marine,

Chalcis, le 9 Avril, 1870 (soir).

AUJOURD'HUI, à 4 heures après midi, en croisant près des côtes du village Dilessi, nous avons vu l'armée s'engager dans un combat contre la bande des Arvaniteï. Nous avons stoppé et nous avons envoyé à terre les embarcations. Les matelots armés débarquèrent, ayant à leur tête le Lieutenant Zacas et le Commissaire Patras. Après avoir avancé dans le bois, ils ont malheureusement trouvé le Secrétaire de la Légation Britannique tué par le sabre ; et un peu plus loin, à la distance de 400 pas, ils ont trouvé tué de la même manière le Secrétaire de la Légation Italienne.* Nous avons transporté les cadavres de ces messieurs à bord. Les soldats nous ont amené également à bord un brigand blessé, nommé Alexis B. Tsounis, natif de Chimara. J'ai vu le jeune homme Anglais courir avec les brigands. Leur drogman s'est esquivé. Le frère du chef des brigands, appelé Christo, est mort, ainsi que trois autres de ses compagnons. C'est tout ce que nous savons pour le moment. Le Colonel Théagénis nous a engagés à transporter les cadavres au Pirée. Nous attendons, à cet effet, les ordres du Ministère, ayant l'intention de visiter demain de bonne heure le lieu du combat avec l'espoir d'y trouver d'autres blessés ou tués.

Le Commandant de "l'Affroessa,"

(Signé) E. KYTTARIS.

A M. le Président du Conseil des Ministres.

UN combat ayant eu lieu aujourd'hui à 4 heures et demie de l'après-midi jusqu'à 7 heures du soir, entre la force publique et les brigands Arvaniteï, nous avons trouvé quatre brigands tués, au nombre desquels se trouve le Christo Arvaniti et Alexis Tsounis de Chimara, blessé. Nous avons aussi trouvés morts deux des prisonniers, dont les cadavres ont été transportés à "l'Affroessa," à bord de laquelle a été amené aussi le brigand blessé. Le combat ayant duré jusqu'à la nuit tombante, nous ne savons pas ce que sont devenus les autres prisonniers et le reste des brigands. Les prisonniers tués sont les Secrétaires des Légations Britannique et Italienne.* Le drogman Alexandre s'est sauvé par la fuite.

Le Dérarque de Perea,

(Signé) ECONOMIDES.

(No. 9.)

The Minister for Foreign Affairs to His Majesty's Minister at Athens.

(Translation.)

Sir,

Florence, April 30, 1870.

DEEP and painful has been the impression produced in Italy, by the melancholy end of the lamented Count Albert de Boyl, Secretary of your Legation, and I must begin by adhering to the expressions of justly called for regret at this sad and premature death, to which you give vent in your reports to this Ministry.

We had been able to understand the gravity of the situation from the different telegrams which you sent me from the day when Count Boyl fell into the hands of the brigands. The news from Athens, however, arrived with such alterations in the cypher as often to render obscure the meaning of the telegrams. Moreover they were delayed in an inconceivable manner, two and even three days on the road, and it even sometimes happened that we received first the telegram which you had sent off last. In such a state of things it was not possible to send you any more precise instructions for fear of circumscribing the liberty of action which must be left to you. By my despatch of the 15th

* It was known later that this was the body of Mr. Lloyd.

instant, and my subsequent telegram, I endeavoured to give you the fullest latitude to take any steps which the circumstances of the moment, your experience and practical knowledge of the country, as well as the interest which you took in the fate of the prisoners, might suggest.

Instead of raising and discussing questions it was our desire to provide for the safety of the prisoners, and you entirely acted up to our wishes in working as you have done on the Greek authorities, without entering with them on discussions which should be reserved for a more opportune moment. Moreover, as soon as you had let us know that the negotiations for a ransom were likely to be successful, we hastened to authorize you to draw bills upon this Ministry in order that you should be enabled to procure without delay the sum required for Count Boyl's share of the ransom.

Unfortunately, neither your activity with the local authorities nor the resolutions which depended on us sufficed to prevent the catastrophe.

I have read with attention the account given by you of all the circumstances attending this sad event, but one of these still remains for us inexplicable. We cannot understand how the Greek Government, after having ordered that the pursuit of the brigands should be stopped, and after having formally undertaken not to cause them to be pursued as long as the lives of the prisoners were in danger, could ever have authorized the troops which surrounded Oropos to oppose force to the retreat of the brigands. I have called your attention to this circumstance in my telegram of yesterday. Until we understand it better it is impossible for us to appreciate how far the Greek Government have kept the engagements given by them to you and to the English Minister.

But one thing, unfortunately, is beyond all doubt—the absolute want of vigilance on the part of the authorities charged with the maintenance of order in Greece. It is a melancholy thought that Count Boyl and his unfortunate companions met their sad end merely because those authorities were ignorant of the presence, at the very gates of the capital, of a numerous band of brigands known to all for their ferocity and their crimes.

The fatal consequences of this absolute want of vigilance on the part of the Greek authorities has violently excited public opinion. The Greek Government has had a proof of it in the steps taken by all the Diplomatic Representatives accredited at Athens. We have had a clear proof of it also in the haste with which the Austrian Government has let us know that it is ready to co-operate with us in any measures we think proper to adopt with reference to Greece. A similar communication has also been made by the Cabinet of Vienna in London, and we have received from the English Cabinet the assurance that it will keep in communication with us as to the results which may arise from this sad event.

For the present I cannot tell you what course the King's Government will adopt. The decision will depend principally on our appreciation of the facts, respecting which we await further information. I will not, however, close this despatch without charging you, Sir, to express to Mr. Erskine our liveliest gratitude for having always, in the negotiations which have so sadly failed, acted in concord with you.

Accept, &c.
(Signed) VISCONTI VENOSTA.

(No. 10.)

His Majesty's Minister at Athens to the Minister of Foreign Affairs, Florence.

(Translation.)
Sir,

Athens, April 28, 1870.
(Received May 6.)

I CONFIRM my telegram of the 26th. The Greek war-steamer "Affroessa" arrived on Sunday evening at the Piræus with the bodies of Count Boyl and Mr. Vyner, which it had taken on board at Dilessi. The servant of the Count and two other Italians of his acquaintance went on board. They told me that the Count had two wounds, caused by fire-arms, which must have produced instantaneous death; I myself saw the body, and his face did not bear any indication of suffering.

On Monday morning I went with the British Secretary to the Piræus to take charge of the bodies. Their landing and carriage from the port to the railway station was an imposing and moving ceremony. The Ministers of France and Austria, and the commanding officers of the various vessels of war, offered me the use of their boats and crews. I thanked them, but preferred giving the preference to the English sailors in carrying the corpse and acting as a guard of honour. It appeared to me most proper that as

Count Boyl had shared his fate with English companions, English sailors should be called on to render him the last honours.

The boats of all the men-of-war, with their flags half-mast, accompanied the boat which bore the two biers; these were preceded by the band of the Russian man-of-war. All the vessels wore signs of mourning. The whole population of the Piræus accompanied the procession to the station, where an express train was prepared by the director, M. Scalzuni.

The Greek Ministers and a great number of persons were in waiting at the Athens station to receive the bodies. The two biers, placed on two cars, and escorted by English sailors, went round the Acropolis on their way to the Military Hospital, where the body of Mr. Vyner was deposited. The body of Count Boyl was brought in like manner to the Italian Legation.

There, in a room, transformed into a "chapelle ardente," the bier was deposited previous to being carried to the Catholic Church. Meantime the priests of that church came to recite the service for the dead. Before 4 o'clock there arrived at the Legation the Members of the Diplomatic Body with their wives, the Greek Ministers, the Staff Officers of all the foreign men-of-war, and many persons of distinction. At 4 o'clock the King arrived, wearing the Collar of the Annonciade, and, preceded by His Majesty and myself, the procession at once set out.

The bier, wrapped in the Italian flag, was borne by Italians. The English commanding officer furnished an escort of sailors.

An immense crowd followed and surrounded the bier, and signs of emotion and sorrow were general.

On entering the church, we found the Queen dressed in mourning at prayers. The Metropolitan and the whole Orthodox Synod awaited the funeral procession in the church.

Their Majesties were much moved, and I am glad to say that the King never ceased for a moment to take the deepest interest in the ceremony, and repeatedly expressed to me the profound regret and sorrow which this mournful event had caused him.

I have, &c.

(Signed) DELLA MINERVA.

(No. 11.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, April 28, 1870.

Sir,

(Received May 3.)

I AM sorry that I cannot give you by this messenger all the details of the massacre of Count Boyl and his companions, and of the causes of the collision between the brigands and soldiers. This collision was expressly provided against in the instructions given to Colonel Théagénis, except in the case of the brigands showing a desire to flee into the interior of the country or to go into Thessaly. The Minister promised me a translation of the Colonel's report. I have not yet received it, but hope to have it for the messenger of the day after to-morrow.

The contradictions in the rumours which are spread—the thousand different versions which are current in the city—only generate confusion and increased obscurity. One thing appears certain, and it is that the brigands, supposing some sort of treachery, sought to flee, and that after two hours' march from the village of Sykamenos, they saw that Mr. Herbert could not follow them further and killed him. The soldiers, not far distant, having witnessed this barbarous act, could not be restrained, fired on and pursued the brigands.

The troops did their duty as far as it was in their power to do so. Up to this date seven brigands are known to have been killed, and their heads were exhibited on Sunday, the Greek Easter, in the Champ de Mars of Athens.

Five brigands have been made prisoners, and brought to Athens. They will be interrogated to-day, and Lord Muncaster will be present. The interpreter, who accompanied the travellers, and who remained with them until the 21st, has likewise been arrested.

The King and the Minister for Foreign Affairs have assured me several times that the pursuit of the brigands shall not be relaxed for one moment until the complete destruction of the band. I and my English colleague insist strongly on the pursuit and punishment of the culprits.

The despatch of troops to prevent the flight of the brigands was certainly a dangerous proceeding. But it was impossible to accede to their pretensions, viz., that they should be allowed to traverse freely the provinces of Greece, in the enjoyment of an impunity, which was to be guaranteed not only by the Greek Government, but also by the Ministers of England and Italy. I do not know how far such a proceeding could be admitted by a recognized Government.

General Soutzo, the Minister for War, on whom much blame is thrown, has been forced by public opinion to send in his resignation.

I have, &c.
(Signed) DELLA MINERVA.

(No. 12.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, April 30, 1870.

Sir,

(Received May 6.)

I ACKNOWLEDGE the receipt of your Excellency's despatch of the 15th instant.

I maintain that the responsibility of the Greek Government must be inferred from its absolute negligence in rendering the environs of the capital secure and safe, especially since the authorities were warned of the excursion which was about to be made. In the note which I addressed to the Ministry for Foreign Affairs here, I have clearly expressed the opinion that the responsibility of all the consequences must fall on the Greek Government.

I have, &c.
(Signed) DELLA MINERVA.

(No. 13.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, April 30, 1870.

Sir,

(Received May 6.)

I TRANSMIT to your Excellency copy of the Report of Colonel Théagénis, which throws some light upon the circumstances which provoked the conflict between the troops and the brigands, and on the massacre of the four prisoners.

Wishing, as far as possible, to ascertain the truth of the facts, the Minister for Foreign Affairs has, at our request, caused the guide who accompanied the travellers to be interrogated privately in the presence of myself and the English Minister. Your Excellency will find inclosed his deposition. It appears that the brigands, who had become suspicious and diffident, would not await the return of the guide, who had gone towards the troops, and commenced running towards the village of Dilessi, taking the prisoners with them. The guide, on his return to the village of Sykamenos, did not find the brigands, followed them for half-an-hour in that direction, and then, having heard the first fusillades, turned back.

Théagénis indicates, in his Report, the reasons which obliged him to change the plan he had formed for surrounding the brigands in Oropos. The execution of this plan may have been defective, but there may have been circumstances, as yet hardly known, which may have prevented alternative measures.

I transmit, for your information, a copy of the instructions given to Théagénis, from which it appears that the principal object of the mission entrusted to him was conciliation; and that he was, above all, to act in such a manner as to spare the lives of the prisoners. These last recommendations were repeatedly given to him *vivâ voce*, in the presence of myself and of the English Minister.

I have, &c.
(Signed) DELLA MINERVA.

Annex No. 1.

Report.

(Traduction.)

AUJOURD'HUI dès le matin, me conformant aux ordres du Gouvernement, je me suis rendu au village de Salessi dans le but de m'entendre avec les Capitaines Apostolides et Liacopoulos sur les mesures que nous devons prendre pour cerner le village d'Oropos. A cet effet, et après avoir pris l'avis de M. Apostolides, j'ai mandé à M. Liacopoulos de venir avec la force armée sous ses ordres.

Nous espérions pouvoir cerner Oropos avant le départ des brigands, car nous croyons qu'ils auraient entrepris leur départ projeté pendant la nuit. Mais, contrairement à notre attente, les brigands se mirent à préparer leur départ vers deux heures de l'après midi. Dès que j'en fus informé par un homme que j'avais envoyé exprès, nommé Stavro Liati, habitant de Salessi, j'ai contremandé ma dépêche antérieure à M. Liacopoulos, puisque les circonstances étaient changées, et je l'ai invité de poster ses soldats sur les environs de Sykamenos, d'où les brigands avaient l'intention de passer. En attendant, moi et M. Apostolides, avec toute la force armée qui se trouvait auprès de nous, nous marchions vers Oropos. Mais en route nous avons appris de quelques villageois de Sykamenos que les brigands d'Oropos venaient d'être aperçus près de leur village, après avoir traversé la rivière d'Asopo; et à la suite de cette information nous avons été obligés de changer notre plan et de nous diriger aussi vers Sykamenos, dans l'intention d'y cerner la bande des brigands. La rivière d'Asopo, qui, à cause des dernières pluies, avait monté, présentait des tels obstacles au passage des soldats, que c'est avec peine que les cavaliers eux-mêmes ont pu la franchir. Ce retard a permis aux brigands de gagner du terrain en courant vers Dilessi; les soldats les poursuivaient, sans néanmoins arriver à un engagement avec eux à cause de la distance qui les séparait; de rares coups de fusil étaient seulement entendus, tirés par les brigands. En passant de Sykamenos, les brigands avaient amené avec eux plusieurs villageois et quelques bergers; ils conduisaient aussi à pied les malheureux prisonniers. Il paraît que leur plan était de se mettre à couvert eux-mêmes en exposant ces hommes au feu des soldats. Mais les villageois ainsi que les bergers n'ont pas tardé de se retirer, et il n'y restèrent que les prisonniers qui étaient traînés de force. Lorsqu'ils approchèrent de Dilessi, et que les prisonniers, épuisés de fatigue, ne pouvaient plus suivre, les brigands ont premièrement tué les Secrétaires des Légations d'Italie et d'Angleterre, puis l'Avocat de la Compagnie du Chemin de Fer, et un peu plus tard le jeune Anglais.

Exaspérés par ces massacres, les soldats ont tiré sur les brigands, et ils en tuèrent le Chef Christo Arvanitaki et les brigands Yéroyanni, Verphani, Elie Stathaki, Tzacanika, Katarachià, Sotiri Zioma, et ils blessèrent Alexi Chimarioti, qui a été fait prisonnier. Ce ne sont cependant pas les seuls; il y a encore d'autres qui n'ont pas été trouvés, parce qu'une recherche minutieuse n'a pu être faite; cela est à présumer du nombre de ceux qui sont encore poursuivis, qui ne sont pas plus de neuf, d'après les dernières informations. Quoiqu'il en soit, la bande des Arvanitéi a gravement souffert, puisqu'elle a perdu Christo Arvanitaki et les plus distingués de ses partisans. Si l'information erronée qui m'avait été donnée et que j'ai télégraphiée au Gouvernement sur la mort de Taco (Dimitri) Arvanitaki se vérifiait, on pourrait avec raison considérer cette bande comme tout-à-fait détruite.

La mort des quatre étrangers si distingués est certainement un grand malheur; mais leur délivrance n'était pas possible, si l'on prend en considération qu'on avait à faire avec des bêtes féroces, auprès desquelles tous nos efforts devaient échouer.

Des trois cadavres que le bateau-à-vapeur devait transporter, on n'a pas pu trouver que les deux; le troisième, trouvé aujourd'hui, va être enterré ici avec le quatrième.

Toutes les exhortations et les ordres donnés aux soldats afin de préserver la vie des prisonniers ont été en vain à cause de la férocité de ces scélérats qui avaient décidé d'avance leur mort.

Pendant que les brigands paraissaient en quelque sorte tranquilles et espérants à Oropos, l'apparition du bateau-à-vapeur leur a suscité des craintes et des soupçons, qui ont hâté leur départ à une heure inaccoutumée, comme il résulte de la lettre ci-jointe, et ont fait manquer notre plan de cerner Oropos.

Votre, &c.
(Signé) B. THEAGENIS.

Annex No. 2.

Deposition of the Guide.

(Translation.)

ALESSANDRO ANEMOJANI, interrogated in the presence of the English and Italian Ministers as to what took place during his abode with the brigands at Oropos, and when they departed from that place, replied:—

On Thursday, about 2 P.M., we left Oropos. The Captain of the brigands, Takos Demetrio, told me that he must soon leave this place; he had, however, no knowledge of the existence of the troops, since we had not seen a soldier; we passed the river on horseback, and so we went for several hours in the direction of the village of Sykamenos, which was in front of us: it was only from that place that we saw the soldiers. We were about half-an-hour distant from the troops. Takos, alarmed by the presence of the troops, ordered me to say at once to an officer, who was on the other side of the river, and whose name I believe to be Crochinopoulos, that he was not to pursue with his troops. He answered me telling me to go to Colonel Théagénis, and I did so. I told the latter that the prisoners begged him not to pursue the brigands with his troops. Théagénis replied that the brigands would not be pursued if they would remain where they were. The distance from Sykamenos to the place where Théagénis was is not more than twenty minutes. The troops were divided into two parties, one of which was separated from the brigands by the river, the other with Colonel Théagénis was on the same side as the brigands. After hearing Colonel Théagénis' reply, I went towards Sykamenos, and on my way there, during half-an-hour, I did not hear a shot. There I heard several shots, and went on towards Dilessi. On hearing it, I found two brigands killed, and further on I saw the prisoner Alexis, and near him they carried the body of Mr. Lloyd. The Demarch of Oropos told me that the body of Mr. Herbert was there also. I saw no cavalry, only infantry.

Interrogated as to whether during the abode of the brigands at Keranidi and Oropos he had seen persons foreign to the band coming to visit them, he replied that he had seen no one but the three persons sent by the Government, a man of the name of Sajani, and the peasants of the place.

On being asked what were the primary demands of the brigands, *i.e.*, if it is true that they would have been satisfied with 25,000*l.*, or an amnesty, he replied that they had said so to him (Anemojani) and also to Mr. Herbert. They changed their minds, however, on the following day, and to his observations about this change, Takos replied that he had never conceived such an idea, but that he had perhaps been misunderstood.

Anemojani said he had heard from the brigands that they had been for one day, for two days, and for a week in Attica, for the purpose of capturing M. Serpieri. They said they had friends in Athens. At Calivia Takos said, when he was told that he ought to let the prisoners go and be satisfied with 25,000*l.*, that other individuals not belonging to the band must have a part of this sum.

Annex No. 3.

Instructions.

M. Théagénis,

Athènes, le $\frac{6}{18}$ Avril, 1870.

VOUS savez le douloureux évènement de la capture de deux Secrétaires de Légation et d'autres voyageurs. Les Ministres d'Angleterre et d'Italie ont demandé que toutes poursuites cessassent contre les Arvanitéi, et le Gouvernement se vit obligé d'y consentir, tant que les captifs resteraient près d'Athènes. Cependant, au lieu de rester à Keramidi, les Arvanitéi, emmenant leurs prisonniers, se sont éloignés de la capitale et dirigés vers Oropos. Des émissaires envoyés auprès des Arvanitéi leur ont itérativement déclaré et expliqué que le Gouvernement ne pouvait leur accorder une amnistie, la Charte Constitutionnelle ne lui ayant pas reconnu ce droit. Les Arvanitéi persistent cependant à demander qu'on leur paie la rançon et qu'on leur accorde tout ensemble le bénéfice d'une amnistie.

Confiant en votre habileté nous vous prions donc de vous rendre à Oropos, et donner à ces hommes les assurances et les explications que voici:—

Premièrement, qu'après les renseignements qui nous ont été fournis par les intéressés, la rançon à leur payer est tenue à leur disposition, et qu'ils peuvent en prendre livraison et sortir du territoire Hellénique, soit par terre, soit même par mer, en s'embarquant sur un bâtiment de guerre Anglais, si faire se peut;

Secondement, qu'il est impossible qu'ils soient amnistiés;

Troisièmement, qu'ils doivent bien faire attention à ce que le moindre mal ne soit fait

à aucun de leurs prisonniers, à ce que même l'ongle d'aucun ne soit pas endommagé; car, autrement, le Gouvernement les traitera avec la dernière rigueur;

Quatrièmement, qu'ils ne doivent sous aucun prétexte s'éloigner d'Oropos, afin que les prisonniers puissent facilement communiquer avec leurs Ministres respectifs; que si la bande quittait Oropos, le Gouvernement serait affranchie de l'obligation prise avec les Ministres étrangers de suspendre toutes poursuites contre les Arvanitéi.

Pour tout le reste nous nous en remettons à votre prudence et à votre habileté.

(Signé)

TH. A. ZAIMIS.

TH. P. DELYANNI.

S. VALAORITY.

A. D. AVIERINOS.

G. TOMBASI.

D. SARAVAS.

S. SOUTZO.

(No. 14.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, April 30, 1870.

Sir,

(Received May 6.)

THE judicial inquiry has already commenced. Lord Muncaster gave his evidence and started yesterday for London. The guide, Alessandro Anemojani (subjected merely to police supervision), has been interrogated by the Procureur du Roi. To-day Mr. Noël will be heard. The brigand Alexis, one of the most ferocious, brought hither from Chalcis, is here in prison. Of the other four brigands who were taken three have arrived here; the fourth is badly wounded, and cannot be interrogated at present.

The British Government has instructed Mr. Erskine to insist on the pursuit and exemplary punishment of the brigands, and on the discovery of their accomplices.

I have acted in the same sense, and having yesterday had occasion to see His Majesty the King, to communicate to him your Excellency's telegram of the 27th, I insisted in my turn on the active and continued pursuit of the brigands, and on the necessity of bringing not only the brigands but also their accomplices and confederates in Athens and elsewhere to trial. The King repeated the assurances he had already given me, and M. Zaïmis told me later that the trial of the brigands will be conducted with promptitude, and that the search for the accomplices will be carried on at the same time. I think it may interest you to see a copy of a Report in which M. Théagénis sends certain letters found on the persons of the brigands who were killed. One of these, that found on Christo Arvanitaki, shows that the brigands had relations with persons who advised them to insist on an amnesty.

I add also a list of the brigands, found in a note-book of Mr. Vyner.

I have, &c.

(Signed)

DELLA MINERVA.

Annex No. 1.

(Traduction.)

Mon respectable M. Zaïmis,

Schimatari, le $\frac{11}{3}$ Avril, 1870.

JE vous soumets deux lettres saisies, l'une sur le chef des brigands Christo Arvanitaki, l'autre sur un autre des brigands tués. Vous remarquerez dans l'une les conseils qui étaient donnés aux brigands de persister à demander l'amnistie. Le nom qui paraît à la signature est, je crois, symbolique (fictif); celui également du compère qui y est mentionné est conventionnel. Vous apercevrez dans l'autre que celui qui écrit était un employé public, puisqu'il se plaint de sa révocation, ayant des rapports avec ces mêmes brigands.

M. Liacopoulo a une montre en or, ainsi que quelques autres petits bijoux appartenant à un des Anglais arrêtés par les brigands; il vous les enverra.

Je vous salue.

Votre, &c.

(Signé)

THEAGENIS.

Annex No. 2.

Frères,

Chalcis, le $\frac{6}{18}$ Avril, 1870.

NOUS nous portons bien et nous espérons que vous vous portiez de même. Ce que vous avez fait pour les prisonniers est bien fait. D'après les informations que nos amis nous donnent, ne demandez pas de l'argent. Vous devez insister autant que possible pour l'amnistie. Tous nos amis nous assurent que ceci se fera. Quand ils passeront par un certain endroit, ils seront à pied; autrement prenez garde d'envoyer quelque autre personne à notre compère. Nous avons aussi une commission que vous devez en tout cas recevoir. J'ai vu aujourd'hui notre compère, qui vous envoie ses compliments.

Je suis, &c.

(Signé)

GEORGES YANAU.

Tenez bien à l'amnistie autant que vous pouvez.

G. Y.

A MM. Démétrius et Christo,
Partout où ils se trouvent.

Annex No. 3.

Mon ami M. Panaghi,

Kiourka, le $\frac{15}{27}$ Février, 1870.

JE m'empresse de demander par le présente des nouvelles de votre santé, qui nous est si précieuse; et si vous demandez pour la nôtre, grâce à Dieu, nous nous portons bien. Je vous prie de m'envoyer par le porteur de cette lettre le pistolet que vous connaissez, c'est-à-dire, le pistolet de mon compère Colia Ghiliati, car je lui ai donné ma promesse; c'est pour cela que j'envoie quelqu'un expressément, et vous m'obligerez si vous me l'envoyez. J'aurais voulu venir moi-même, mais je n'ai pas le temps, étant obligé de me rendre à Athènes, où MM. Kousseï m'ont fait nommer à un autre poste.

Je vous, &c.

(Signé)

KOLLIOTTL.

Annex No. 4.

Names of the Brigands written in Mr. Vyner's Note-book.

- | | |
|---|----------------------------|
| * 1. Dimitris Arvanitakis, Capitano. | * 11. Dimos Patziauras. |
| † 2. Christo Arvanitakis, Sotto-Capitano. | † 12. Yeroyannis. |
| † 3. Alexis Chiariotis, Luogotenente. | † 13. Jannis Verphanis. |
| † 4. Giorgio Katarachias. | † 14. Costas Malacos. |
| * 5. Dimitrios Sangardos. | * 15. Apostolis Kararitis. |
| * 6. Serafim Fissequis. | * 16. Nassos Kondos. |
| † 7. Elias Stathakis. | † 17. Nikitas Manachis. |
| † 8. Periklis Viliotis. | † 18. Soliros Barbatzis. |
| * 9. Nikolarkos Hleròs. | * 19. Efstatios Tzlapulas. |
| † 10. Dimitrios Bitis. | * 20. Gudis Scartzouris. |
| | † 21. Fotis Nichitas. |

N.B.—The names of the brigands marked (†) are those of them who were killed. Those marked (*) those who escaped. Those marked (‡) those who are imprisoned.

No. 2.

Mr. Erskine to the Earl of Clarendon.—(Received May 15.)

My Lord,

Athens, May 7, 1870.

I HAVE the honour to inclose herewith a copy of a letter from M. Zaïmis requesting me to rectify a misapprehension which has arisen in regard to a statement contained in my despatch to your Lordship of the 16th of April,* to the effect that the brigands were in communication with "some of the leading Members of the Opposition," which is understood here to apply to the leaders of the Opposition.

In my reply to M. Zaïmis, of which a copy is likewise inclosed, I have corroborated

* See "Greece, No. 2," page 1.

M. Zaïmis' assertion that he did not mention the Chiefs of the Opposition, and I think that your Lordship will agree with me that my words do not bear that meaning.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1 in No. 2.

M. Zaïmis to Mr. Erskine.

Cher Ministre,

*Athènes, le ²³ Avril
⁵ Mai, 1870.*

DANS la dépêche que vous avez adressée le $\frac{4}{16}$ Avril à sa Seigneurie Lord Clarendon, et qui fait parti de la correspondance déposée par le Ministère des Affaires Etrangères de Sa Majesté Britannique concernant les tristes évènements qui ont eu lieu récemment à Oropos, je viens de lire la phrase suivante :—

“M. Zaïmis croit que, pendant la nuit, des personnes envoyées d'Athènes par quelques chefs de l'Opposition (‘by some of the leading members of the Opposition’), pour engager les brigands à persister à demander l'amnistie, non seulement pour eux-mêmes, mais encore pour leurs compagnons qui se trouvent actuellement en prison.”

Ce dont je me souviens est qu'après le retour des émissaires que le Gouvernement avait envoyés aux brigands, je vous ai dit, en vous entretenant du résultat de leur mission, que, d'après leurs informations, d'autres émissaires, expédiés par des personnes qui, dans un esprit d'opposition, voulaient créer des embarras au Gouvernement, s'étaient aussi rendus auprès des brigands pour les engager à insister à l'amnistie pour eux-mêmes et pour leurs compagnons en prison. Je n'ai pas nommé les chefs de l'Opposition, et je n'ai fait allusion à aucun d'eux.

Votre parfaite sincérité et votre loyauté vous feront, j'en suis convaincu, redresser ce malentendu.

Mes compliments les plus empressés.

Tout à vous,
(Signé) TH. A. ZAIMIS.

Inclosure 2 in No. 2.

Mr. Erskine to M. Zaïmis.

Cher M. Zaïmis,

*Athènes, le ²⁴ Avril
⁶ Mai, 1870.*

EN réponse à la lettre que votre Excellence m'a adressée hier je n'hésite pas à l'assurer que dans la dépêche sur laquelle elle attire mon attention je n'ai pas voulu faire allusion aux Chefs actuels de l'Opposition ; et je conviens parfaitement avec votre Excellence que tel n'a pas été le sens de sa communication.

Pour ceux qui connaissent les nuances de la langue Anglaise, il ne saurait être douteux que les mots “by some of the leading members of the Opposition” n'indiquent aucunement les chefs, proprement dits. Un Anglais voulant désigner Mr. Disraeli ne dirait certes pas “a leading member of the Opposition,” mais bien “the leader” ou “a leader of the Opposition.”

Cette distinction du reste est si claire que Lord Clarendon, dans une dépêche que je suis chargé de vous communiquer, se sert de l'expression “certain leading politicians at Athens,”—ce qui indique parfaitement la nuance que je me suis efforcé de faire ressortir.

De votre, &c.
(Signé) E. M. ERSKINE.

No. 3.

Mr. Erskine to the Earl of Clarendon.—(Received May 15.)

My Lord,

Athens, May 7, 1870.

I HAVE the honour to transmit herewith a translation of the deposition of Spiro Kamboutzis, the guide of the military detachment which fell in with the travellers captured by brigands on the 11th April, whilst they were still on the Plain of Marathon, and who declares in the most positive manner that he repeatedly warned the party, through their dragoman Alexander, to drive slowly, and to keep with the soldiers.

This statement, as it appears to me, is most conclusive against Alexander, who indignantly denied in my presence, on the 29th ultimo, that any such warning had been given to him. It is my intention to urge M. Valaority to have the deposition taken of Aths. Boulgaris, the person mentioned in Kamboutzis' statement; and likewise the depositions of the two coachmen who were present at the conversation.

Lord Muncaster, if I am not mistaken, has always affirmed that so far from any such warning as that mentioned by Kamboutzis having been given by Alexander, he replied, when questioned as to these soldiers, that they were merely a party who had been employed in the mountains in the suppression of brigandage, and were in no way concerned in the protection of the excursionists; although it is now shown that a gendarme had been sent specially from Athens to order this detachment to watch over their safety.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 3.

Deposition of Spiro Kamboutzi.

(Translation)

ATHENS, this day, Monday, April $\frac{6}{18}$, 1870, at 10 o'clock A.M. appeared before me, the Sub-Mirarch on duty, Z. Basdeki, and Andrea A. Tolia, Sergeant of Gendarmerie, performing the duties of Clerk, and in the presence of the Sergeant on duty, N. Kolo, kouvarou, and Corporal G. Kakui, in my office situated within the Gendarmerie Barracks, the undermentioned witness, who is examined as follows:—

Q. What is your name? &c.

A. Spiro Camboutzis, born at Missolonghi, residing here, 32 years of age, guide of the flying column in Attica, and a Christian.

Having been sworn on the Bible, conformably to Art. 85, § 2, of the Military Penal Law, was in virtue of a verbal order from the Mirarch, M. A. Moskovaki, examined as follows:—

Q. Where were you with your detachment on Monday, the 30th March, o. s. [*i.e.* 11th April]?

A. I was in the district of Kato-Souli, in the Demos of Marathon, at the dwelling of Macri.

Q. Were you informed on that day that certain tourists were to visit Marathon? What orders did you receive, and what did you do?

A. On that day, at noon precisely, the commander of the flying column informed us, by a mounted gendarme, that tourists were to proceed to Marathon, and that we were to see to their safety. This order was not addressed to me, but to the Sub-Lieutenant of Infantry, Angheli, who commands the detachment. Upon this, the said Sub-Lieutenant immediately ordered us to fall in, and when we approached the village of Bey, ordered Corporal Petro, with three men, to patrol from Plexiza to Yerosakouli; a sub-corporal with three other soldiers to patrol from Yerosakouli to the approaches of Raphina; and myself, with three other soldiers, to patrol from the road of Raphina to Pikermes; whilst the officer, with other three men, as he told us, would follow in the rear, as he (the officer) did not know that the tourists were at Marathon. As we were marching to the positions respectively allotted to us by the officer, we perceived the carriages of the strangers which were at the Soro (tumulus) and we immediately halted. Two mounted gendarmes then rode up to us to see who we were. On their approach we saluted each other, and I asked who was in command. Ath. Boulgaris told me that he was. I therefore told this gendarme to tell the strangers to stop their carriages and go on slowly, as we had orders to escort them. Whilst we were still speaking, the carriages drove up. Then the dragoman and the coachman called to me to approach. I had hardly approached when I perceived one of the strangers holding in his hand a 25-drachma bank-note, which he handed to me. Before taking it, however, I asked the dragoman the reason why this money was offered to me, and he replied that it was for the soldiers to drink some wine; in that case I accepted it, and at the same time told the dragoman to tell the gentlemen that we were men belonging to the flying column, and that our orders were to escort them, and that if they wanted us to keep up with them they must order their carriages to drive on slowly. Upon this the carriages left us and went to the well, where they stopped to water their horses, leaving us behind. Before they had finished drawing water we also arrived at the well, where we found one of the coachmen drawing water with bottles; we gave them a bucket of ours, with which they drew water and gave their horses to drink. Meanwhile, I and

the corporal again told the strangers, through their dragoman, that we should go on before them, and that their carriages had better follow us slowly at some distance. I then left with seven soldiers—myself eight, and the corporal with three other men remained to follow behind; but before I came to the stone bridge near to Xylokeritza, that is, about ten to twelve minutes' distance from the well, the carriages overtook us, and I, there and then, again told them to stop and drive slowly, as it was impossible for us to keep up with them. Then Panagiotti, the gendarme afterwards killed, and Ath. Boulgaris said, "Since they do not stop, why are you eagles to keep up with us who have four legs?" (mounted); and the carriage left at full speed, whilst we made every effort to keep as near them as was possible. When we came to the sheepfolds of Prapa, we heard two shots, which must have been the last, as we heard no other. We, of course, suspected that something had taken place. We threw away our capotes and provision sacks, and ran as fast as we could. On our arrival at the place of the conflict we found the gendarme P. Basilaki wounded, and his horse killed, and also a corporal with four or five men. After I had learnt from the corporal what had taken place, I took two of his men and ran in pursuit of the brigands. I kept up with them until the next day as far as Boumati, from which place I sent information to the commander of the flying-column, who, in reply, sent me orders to cease all further pursuit.

Q. Have you anything else to add?—A. Nothing else, but that when I received the orders to cease the pursuit of the brigands I went to the village of Stamata, where I met Sub-Lieutenant Angheli, to whom I showed the order.

The present deposition has accordingly been drawn up, signed, and clearly read and signed by all.

The deponent,
(Signed) SPIRO KAMBOUTZI.

The witnesses,
(Signed) N. KOLOKOUVAROS.
G. KAKUIS.

The Sub-Mirarch,
Z. BASDEKI.

The Clerk,
A. TOLIAS.

No. 4.

Mr. Erskine to the Earl of Clarendon.—(Received May 15.)

(Extract.)

Athens, May 7, 1870.

I REGRET to state that on calling yesterday on M. Zaïmis, in the hope of hearing some news of Tako, he informed me that they had now lost all trace of the brigands, and that he no longer expected his immediate capture by the picked detachment sent out a few days ago, and as to the success of which the Government were at one time very sanguine.

M. Zaïmis added that Captain Liacopoulos, the commander of the flying column, had come up here to concert with the authorities, and that he would return to his post this day; their belief being that Tako and his band, of whom eight are wounded, are now concealed somewhere in the district about Dilessi in Bœotia.

No. 5.

Mr. Erskine to the Earl of Clarendon.—(Received May 15.)

(Extract.)

Athens, May 7, 1870.

I LEARN from M. Valaority that in addition to the three persons avowedly sent by Government to treat with the brigands as to the sum to be paid by way of ransom, there was a fourth named Costa Seljani. It is, therefore, probable that this was the person seen by Mr. Herbert's servant, Dionysio, amongst the brigands, and apparently on terms of great intimacy with them, and whom he subsequently recognized in the streets of Athens. He is the brother of a well-known brigand, who carried off a tradesman of Athens about a year ago. He is now in custody, and admits that he was close to the brigands near Pikermes when the capture was effected, and that he witnessed the whole affair. He appears to have come to Athens about the same time as Lady Muncaster and Mrs. Lloyd, and I

suspect that he must have been the bearer of the letter demanding a ransom of 50,000*l.*, which was shown to me on the following morning.

Dionysio deposed, in the presence of several witnesses, that he had heard from the courier Alexander that this man was considered by the brigands as a spy of Government, and yet they do not appear to have objected to his presence amongst them.

It would almost look as if Alexander was the person who supplied the information as to the travellers' movements, and as if this Costa was the medium of communication with the brigands.

GREECE. No. 9 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON :

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

LIST OF PAPERS

No.					Page
1. The Earl of Clarendon to Sir H. Elliot	..	..	..	.. April 29, 1870	1
2. Sir H. Elliot to the Earl of Clarendon	..	..	..	.. May 9, —	1
3. Sir H. Elliot to the Earl of Clarendon	..	..	..	.. May 9, —	1
4. The Earl of Clarendon to Mr. Erskine	..	..	..	.. May 18, —	2
5. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 8, —	2
One Inclosure.					
6. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 11, —	3
7. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 12, —	3
Two Inclosures.					
8. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 12, —	5
One Inclosure.					

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

The Earl of Clarendon to Sir H. Elliot.

Sir,

Foreign Office, April 29, 1870.

AS you will probably touch at Athens on your way from Brindisi to Constantinople, I think it necessary to caution you, under existing circumstances, not to allow your visit to be considered by the Greek Government as one of compliment. The state of affairs may very well account for your seeking to confer with Her Majesty's Minister.

But if you should come into communication during your stay in the Greek capital with any of the Greek Ministers, or other influential persons, you will not hesitate to say that the intelligence of the massacre of the party of British subjects by the brigands near Oropos has been received by the Queen, by her Government, and by the British people with feelings of the greatest grief and horror.

These feelings you will not disguise from the King, if you should be received by His Majesty; though you will at the same time make known to His Majesty that Her Majesty's Government fully appreciate the kind sympathy which he has shown on this melancholy occasion, which, however, knowing well his amiable character and his friendly feelings towards this country, they could not doubt would be felt by His Majesty.

I am, &c.

(Signed) CLARENDON.

No. 2.

Sir H. Elliot to the Earl of Clarendon.—(Received May 18.)

(Extract.)

Constantinople, May 9, 1870.

ON arriving at the Piræus I received your Lordship's telegram directing me to be careful that my visit to Athens should not have the appearance of a complimentary mission, and I did not fail to let it be known that I had merely called there in passing without any political object whatever.

I paid a visit to M. Valaority, the Minister for Foreign Affairs, in company with Mr. Erskine, in the course of which he repeatedly expressed his determination to leave no stone unturned in the discovery of the instigators of the late atrocious outrage, and in the punishment of those engaged in it.

No. 3.

Sir H. Elliot to the Earl of Clarendon.—(Received May 18.)

(Extract.)

Constantinople, May 9, 1870.

WHEN I called with Mr. Erskine upon M. Valaority, his Excellency said that he knew the King wished to see me, and I requested him to inform His Majesty that I was at his orders at any time he chose.

M. Valaority subsequently told Mr. Erskine that the King would see me the next day.

When I waited upon the King, His Majesty was pleased to say that he had been most desirous of seeing me, and of repeating what he had already said to Mr. Erskine, of

the horror and indignation as well as of the humiliation he felt at the atrocities which had been perpetrated in his Kingdom.

The King showed the utmost emotion in speaking of what had occurred. His Majesty would, he declared, gladly have put himself into the hands of the brigands, in order to rescue the captives that had been made among those who were entitled to look for hospitality in a foreign land.

I took the opportunity of executing the telegraphic instructions I had received from your Lordship, and, without concealing from His Majesty the feelings that had been excited in Great Britain, assured him at the same time that the Queen and Her Majesty's Government fully appreciated the generous sentiments he had expressed, and recognized in them the friendly feeling towards England which had always distinguished His Majesty.

The King said it would be a satisfaction to him if I would again repeat to your Lordship the expression of his feelings, which had already been conveyed to you by Mr. Erskine.

No. 4.

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, May 18, 1870.

HER Majesty's Government have learned with much surprise, from your telegram of yesterday, that a discussion is going on as to the presence of Mr. Cookson and Mr. Allen at the inquiries in progress having reference to the late murders, and as to their taking part, as advocates, in the examination of parties charged with complicity therein, and freely cross-examining the witnesses. If any difficulty should be raised you will insist on their right to do so, as appearing on behalf of the British Government, which represents the murdered British subjects, and you will say that neither Her Majesty's Government nor the British nation will be satisfied if any obstruction is thrown in the way of the British lawyers.

You will be careful that the evidence is correctly taken down, and, if such a person is to be found at Athens, you may employ a shorthand-writer.

I am, &c.
(Signed) CLARENDON.

No. 5.

Mr. Erskine to the Earl of Clarendon.—(Received May 20.)

My Lord,

Athens, May 8, 1870.

I HAVE the honour to transmit to your Lordship herewith a copy of a journal kept by the late Mr. Herbert, from the day of his capture, until the morning of that on which he was murdered. It was placed in my hands yesterday morning by Mr. Consul Merlin, who had received it from the wife of the courier, Alexander, and who stated that she found it in a basket containing old newspapers.

I have requested M. Valaority to have the woman summoned before the proper authorities, in order that she may explain how and when this document came into her possession, and why she did not produce it before.

The original has been forwarded to the Earl of Carnarvon.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 5.

Journal kept by Mr. Herbert from the 11th to 20th April.

Monday, April 11.—5:30 for Marathon. Returning through Raphini, 4:30 met Arvanatakis, &c. Ladies released 6:30. Wandered all night over Pentelicus. Devil's supper—three lambs and wild singing. Arrived on a northern spur of Pentelicus about 4:5 A.M.

Tuesday.—Quiet all day. Troops passed in sight twice. Started at sunset; failed to meet the guide for Muncaster: marched with occasional halts (as on preceding night)

across the plain to the west. Principal halt for two hours or more in the rain, very cold, under trees. Got on a spur of Parnes to spend—

Wednesday.—About 12, Muncaster left with a shepherd, and after a wet day in the wood we moved a little south to a hut where we had good fire, and in the evening Boyl's servant came with letters and supplies.

Thursday.—Remained in our hut looking over the plain to Athens and Piræus. In the evening Dionysio came with supplies and emissaries of Government, who treated all night with the captain.

Friday.—After departure of Dionysio we rode through the Pass of Deceleia (fine view of Tatovi) by a guard-house to the north. Came upon a detachment of twenty soldiers: officer came and fraternised with us. Afterwards marched four or five hours on foot to a Wallach village above Oropos, and comfortably lodged.

Saturday.—Remained quiet. Visited Acropolis of Oropos. Received letters by emissaries in the evening. No news.

Sunday.—Went with brigands to mass in the village. Called on Demarch, and remained in our quarters.

Monday.—Wet and miserable as usual. No move. Dionysio and Gleissner came at night with letters and provisions. Things remain unchanged.

Tuesday.—Marched about noon an hour up to Oropos. Lodged in a good house, and heard from Noel that he was coming to see us: also heard that Colonel Théagénis would come from Athens next morning.

Wednesday.—Noel appeared very early, having slept at the Scala, it being too wet to come up. Then arrived Colonel Théagénis with instructions from Athens. Terms rejected by brigands as usual. The Colonel announced termination of armistice, which A. considers breach of faith. We wrote to Athens accordingly.

Thursday.—Noel left. Letters from Athens = nil. Captain determined to cross over in spite of yesterday's warnings.

No. 6.

Mr. Erskine to the Earl of Clarendon.—(Received May 20.)

(Extract.)

Athens, May 11, 1870.

NOTHING further, as far as I am aware, is yet known as to the quarter from which the brigands were receiving countenance and advice.

I am informed by M. Valaority that the trial of the prisoners will take place almost immediately, that is to say, in about a fortnight or three weeks. One of these is so ill that he has been sent to the hospital, and it is thought that his leg will have to be amputated,—an operation he is not likely to survive. If convicted, they will be executed with the least delay allowed by law, and I am told that eighteen other condemned murderers and brigands will be executed at the same time in different parts of the country.

The trial of the other persons implicated in the affair will be proceeded with more leisurely,—examining Judges being now on a tour in the neighbouring provinces, collecting evidence and arresting persons supposed to have been in league with the brigands.

It has been some consolation to me in the great anxiety I have undergone during the last few weeks, to learn that Her Majesty's Government have approved my conduct up to the date at which your Lordship was writing; but as my subsequent despatches may have modified the opinion announced to me in your Lordship's despatch of the 28th ultimo, I shall not allow myself to hope that an indulgent view has been definitively taken of my conduct until I hear further from your Lordship on the subject.

No. 7.

Mr. Erskine to the Earl of Clarendon.—(Received May 20.)

My Lord,

Athens, May 12, 1870.

ON the receipt of your Lordship's telegram of the 6th instant I addressed a note to M. Valaority, of which a copy is inclosed herewith, requesting that I or Mr. Watson might be allowed to be present at the examination of prisoners or others concerned in the late act of brigandage, with the right of cross-examining them, should we think fit to do so.

I at the same time consulted M. Damaschino, the legal adviser of this Legation, as to

the possibility of this demand being conceded by the Government. He said that, strictly speaking, the Code of Criminal Procedure, which was compiled by M. Maurer on the accession of King Otho, did not absolutely recognize such a right even in the case of interested parties; but that some latitude was left to the examining Judge, and that if I were examined by the Procureur du Roi as a witness on some point of the case, the Judge might subsequently, at his discretion, allow me to be present at any of the preliminary proceedings.

M. Valaority has not yet answered my note officially, but he has informed me privately that every possible facility will be allowed to us which is not absolutely contrary to law, and I trust that a note in this sense will be addressed to me in time to accompany this despatch.

Her Majesty's Ambassador at Constantinople having inquired, by desire of your Lordship, whether I wished for the assistance of a lawyer from Constantinople, I have replied that a clever lawyer who speaks Greek would be most acceptable. If one is sent I will place the matter entirely in his hands and act by his advice; but if no person exactly suitable can be found, I should be quite satisfied to be guided mainly by M. Damaschino, an Ionian by birth, who has had an excellent legal education at Paris, and who is Professor of French Law at this University.

I have, &c.
(Signed) E. M. ERSKINE.

P.S.—Since this despatch was written I have received M. Valaority's answer to my note, a copy of which is inclosed, and which I regret to find is written in more peremptory terms than he had led me to expect. I still hope, however, that all reasonable facilities will be afforded to us to watch the case.

Inclosure 1 in No. 7.

Mr. Erskine to M. Valaority.

(Extract.)

Athens, May 9, 1870.

HAVING been directed by Her Majesty's Principal Secretary of State for Foreign Affairs to take care that either I or Mr. Watson are present at the examination of the prisoners or others concerned in the murder of three British subjects near Oropos, on the 24th of April last, under circumstances of peculiar atrocity, I have the honour to request that you will procure for us the necessary facilities for this purpose, with permission to cross-examine any such person should we think fit to do so.

Inclosure 2 in No. 7.

M. Valaority to Mr. Erskine.

M. le Ministre,

Athènes, le 30 Avril 1870.

LE Ministère de la Justice, auquel je me suis empressé de communiquer l'office que vous m'avez fait l'honneur de m'écrire le ^{27 Avril}_{9 Mai}, vient de me faire la réponse suivante :—

Aux termes de la loi, l'instruction criminelle est essentiellement secrète, et elle a lieu en présence de la personne à interroger, du Juge Instructeur, et du Greffier, à l'exclusion de toute autre personne. Cette défense est tellement absolue que la loi ne permet ni à la partie civile d'assister aux opérations de l'instruction. La présence d'un autre témoin n'est que par exception autorisée, dans le cas seulement où il s'agirait de confronter ce témoin à un autre (Arts. 72, 126, et 303 du Code d'Instruction Criminelle). Mon collègue au Département de la Justice en conclue avec regret que les termes de la loi s'opposent à ce que, conformément aux instructions que vous avez reçues de Lord Clarendon, vous ou M. Watson vous assistiez à l'interrogatoire des détenus ou des autres individus qui se trouvent impliqués dans le crime atroce du massacre des trois Anglais près d'Oropos.

Agréé, &c.
(Signé) SPIRIDION VALAORITY.

Mr. Erskine to the Earl of Clarendon.—(Received May 20.)

(Extract.)

Athens, May 12, 1870.

INTELLIGENCE is being received almost daily of the destruction or capture of notorious brigands in different parts of the country, but I regret to say that although there is no apparent want of activity on the part of the authorities, not the least trace has been discovered of Takos or his band since the 23rd ultimo, when he is known to have levied a contribution of flour from an inhabitant of the village of Liatani, near Tanagra, in Bœotia.

I inclose a translation of the latest telegraphic reports received by Government respecting the pursuit of brigandage.

In Turkey also the authorities are said to have been very successful of late. A band of twenty-seven brigands had been formed under an ex-officer of the irregular troops, and composed exclusively of disbanded soldiers, who were said to be about to penetrate into Greece; but they were attacked with great vigour by the Turkish regular force now employed on the frontier, who killed fourteen of the band and captured seven, whilst only six escaped. The French Admiral, who has just returned from Volo, gave me this information, adding that the fourteen heads were exposed at Larissa.

Photiades Bey has forwarded to his Government and to the Commander-in-chief of the Turkish forces in Epirus and Thessaly a careful description of the members of the band of the Arvanitēi still at large, and I have sent Her Majesty's Ambassador at Constantinople a minute description of those of them who were in their company at Scala and Oropos.

Inclosure in No. 8.

Telegraphic Reports respecting the Pursuit of Brigandage.

(Translation.)

*Lepanto, April 25
May 7, 1870, 7 A.M.*

To the Ministry of the Interior and of War.

WITH much satisfaction we inform you that yesterday, at the village of Arachova, Demos of Proschion, the notorious brigand Chiefs Constantelos, Pappatrambas, Spathias, and Evangheli, were killed. A follower of Constantelos, the proclaimed brigand Thanasopoulos was captured, mortally wounded. The brigand Chief Tzitouras, and another, unknown, have been wounded. It is hoped they will be captured. By these satisfactory results the question of brigandage at Lepanto has been solved.

The Eparch of Lepanto,

(Signed) C. YANNAKOS.

The Commander of the Flying Column,

J. DOUGLAS, *Captain.*

*Lepanto, April 25
May 7, 1870, 8 A.M.*

To the Ministry of the Interior and of War.

WITH reference to our telegram bearing the same number, concerning the destruction of brigand Chiefs, we inform you that at this moment, 8 o'clock A.M., a special messenger has brought us the satisfactory news of the destruction of the band of Spanos,* he himself, and his follower Koumbourli, being killed, and the brigand Yannopoulo captured. They were attacked at Gregorion of Apodotias. These results are invaluable. Details by post.

The Eparch of Lepanto,

(Signed) C. YANNAKOS.

The Commander of the Flying Column,

J. DOUGLAS, *Captain.*

* Not the Attica Chief.

Stelida, ^{April 25}_{May 7}, 1870, 8:10 A.M.

To the Ministry of War.

I AM glad to inform you that I have just learnt by the detachment of Gardikiou that yesterday in a conflict of the military and the brigands, between Shamakou and St. Theodore, a brigand was killed. The pursuit continues. Details by post.

(Signed)

DEMETRAKARAKOS,
Lieutenant-Colonel of 10th Battalion.

According to a telegram from the Eparch of Valto, dated April 26, o.s., the brigand Tzirka has been captured.

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1870.*

GREECE. No. 11 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—114.] Price 2½d.

LIST OF PAPERS.

No.					Page
1.	The Earl of Clarendon to Mr. Erskine	..	..	..	May 21, 1870 1
2.	Sir A. Paget to the Earl of Clarendon	..	..	..	May 19, — 1
	One Inclosure.				
3.	Sir A. Paget to the Earl of Clarendon	..	..	..	May 19, — 12
4.	Mr. Erskine to the Earl of Clarendon	..	..	..	May 14, — 14
5.	The Earl of Clarendon to Mr. Erskine	.	..	..	May 22, — 15
6.	Lord Muncaster to the Earl of Clarendon	..	..	..	May 22, — 15

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, May 21, 1870.

THE clauses of the Code quoted by M. Valaority in his letter of the 12th of May, inclosed in your despatch of that day, do not prohibit the Judges from relaxing the rule as to an injured party not being allowed to claim as of right to be present during preliminary proceedings, if the Judges think proper to do so; and in every country the Tribunal can control its own procedure, so as best to secure justice. In the present case, where England has such a right as she now has, of demanding the fullest information from Greece, it is clear that the Greek Government is bound to permit your presence, supported by your advocates, and that it is in no way impeded by the Code from doing so.

I am, &c.

(Signed) CLARENDON.

No. 2.

Sir A. Paget to the Earl of Clarendon.—(Received May 22.)

My Lord,

Florence, May 19, 1870.

I HAVE the honour to transmit herewith to your Lordship copies of further correspondence relative to the late massacres in Greece, which has been presented to the Chamber of Deputies by the Italian Ministry for Foreign Affairs.

Translations of the Italian documents are likewise inclosed.

I have, &c.

(Signed) A. PAGET.

Inclosure in No. 2.

Further Documents relative to the Murder of Count Alberto Boyl, Secretary of the Italian Legation in Greece, presented to the Italian Chamber of Deputies.

(No. 15.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, May 5, 1870.

Sir,

(Received May 11.)

I HAVE this day received your Excellency's despatch of the 30th of April last.

I do not think I can better satisfy your Excellency's request for information as to the circumstances which brought about the conflict between the soldiers and brigands than by sending you a translated copy of a long Report of Colonel Théagénis (Inclosure 1). He attributes the failure of the plan he had made to the delay in its arrival at Dilessi of the detachment from Chalcis, and ascribes to the equivocal conduct of the dragoman, who did not return to the brigands with his answer, their precipitate flight. The suspicions relative to the interpreter are aggravated by the depositions of the Commander of the

detachment which had been ordered to look after the travellers during their excursion to Marathon. It appears from these depositions that it was twice suggested to the interpreter that it would be well to make the travellers' carriages proceed slowly, so that the troops might follow them and protect them if necessary. The interpreter, on being questioned in our presence, peremptorily denied that any such observation had been made. With the next messenger I hope to be able to send a translation of these depositions.

Colonel Théagénis says that the brigands commenced firing, and excuses the soldiers by observing that they could not restrain themselves on seeing the murder of the English Secretary. There is, however, in that Report something which is not very clear, and I reserve to myself to demand a verbal explanation of it on the return of Théagénis. For instance, when he says that the interpreter wanted to go to the village to get a horse in order to take the answer to the brigands, it appears to me natural that Signor Théagénis, whose duty it was to foresee that the safety of the prisoners depended on gaining time, should have given him the horse of one of the gendarmes, in order that he might speedily join the brigands and carry to them the assurance that they would not be disturbed at Sykamenos.

In any case it is certain that the more deeply one looks into the minute circumstances of this sad drama, the more clearly one perceives a sort of fatality which frustrated all the zeal and all the measures used to prevent the catastrophe.

I have, &c.
(Signed) DELLA MINERVA.

P.S.—To the Report of Colonel Théagénis, I add other documents which have been communicated to me, and which refer to the military movements which were executed in such an unfortunate manner (Inclosures 2, 3, 4, 5, 6, 7, 8, 9, and 10).

Annex No. 1.

Lieutenant-Colonel Théagénis to M. Zaïmis, April $\frac{13}{25}$, 1870.

[See "Greece No. 7," page 13.]

Annex No. 2.

Lieutenant-Colonel Théagénis to Captain Apostolides.

(Traduction.)

Mon cher M. Apostolides, *Marcopoulo, le $\frac{7}{19}$ Avril, 1870, 7 $\frac{1}{2}$ du soir.*

UN homme que j'avais dépêché vers les Arvanitéi et qui en revient à l'instant, m'apprit qu'ils sont allés à Oropos avec leurs prisonniers et se sont établis dans trois maisons de ce village, dont l'une appartient au sieur Scourlianioti. C'est de là qu'ils m'ont fait exprimer le désir de me voir demain matin, car plus tard ils pourraient se déplacer. Les déplacements fréquents de ces hommes témoignent de leur inquiétude et de leur craintes. Peut-être aussi devrait-on attribuer leurs déplacements à leur désir de ne pas trop molester les habitants d'une localité.

Cependant hâtez-vous de vous conformer à vos instructions et de remplir la mission qui vous a été confiée, sans perdre une minute; entendez-vous avec le Capitaine Liacopoulo.

Demain matin je me rendrai à Scala près Oropos.

Je vous salue, ainsi que notre ami M. Krikelopoulo.

Tout à vous,
(Signé) THEAGENIS.

Annex No. 3.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président, *Marcopoulo, le 7 Avril, 1870, 9 heures du soir.*

ARRIVE ici, j'ai dépêché un homme vers les Arvanitéi pour leur faire connaître mon arrivée et ma mission, et leur proposer une entrevue pour demain. Mon émissaire ne revint que fort tard, n'ayant pas trouvé les brigands dans les cabanes du père Jean Paghina, mais

au village d'Oropos, où ils se sont transportés et où ils ont pris possession de trois maisons, les meilleures.

Ils répondirent que je devais me rendre à Oropos dans la nuit, ou, au plus tard, le matin, pour conférer avec eux ; que si je tardais à y aller, je ne les y trouverais peut-être pas ; qu'en tout cas ils y laisseraient un homme qui pourrait me conduire vers eux.

La pluie tombe sans cesse, et l'Asopus grossi mettra obstacle à ce que les brigands se dirigent vers Sykameno ou Délum s'ils en ont, comme on dit, le dessein.

Demain matin j'irai à Scala, près Oropos, pour me rencontrer avec le frère des Arvanitéi, qui y est venu par ordre du Préfet de l'Eubée et sur l'invitation de Mr. Erskine, ainsi que me l'écrit l'employé qui accompagne ce frère des Arvanitéi ; c'est par son entremise que j'espère m'entendre mieux avec eux au sujet de notre entrevue.

J'ai dépêché un exprès vers le Capitaine Apostolides, qui a passé la nuit à Capandriti, pour le prier de se hâter d'occuper la position qui lui a été assignée.

Demain je vous informerai de tout ce qui aura été fait.

Votre, &c.
(Signé) THEAGENIS.

Annex No. 4.

Captain Apostolides to Lieutenant-Colonel Théagénis.

(Traduction.)

M. le Colonel,

Capandriti, le $\frac{8}{20}$ Avril, 1870, 6 $\frac{1}{4}$ heures de matin,

IL y a trois heures que j'ai reçu votre lettre ; aussitôt, l'une des compagnies sous mes ordres s'est mise en route pour Salessi.

En ce moment même je pars à mon tour avec le reste des troupes. Prenez vos dispositions et ordonnez en suite que notre jonction soit opérée.

Tout à vos ordres,
(Signé) S. APOSTOLIDES.

Annex No. 5.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président,

Marcopoulo, le $\frac{9}{21}$ Avril, 1870, 4 heures du matin.

HIER à mon retour d'Oropos, je vous ai exposé sommairement les résultats de mon entretien avec les brigands, et j'ai expédié ma lettre, ainsi que celles des prisonniers, à Mr. Erskine par deux gendarmes, partis pour Athènes à 6 heures et un quart du soir. Mais j'ai été fort contrarié en apprenant des hommes qui m'ont apporté les ordres en date d'hier du Conseil des Ministres, qu'ils n'avaient pas rencontré ces gendarmes en chemin, ce qui me fait soupçonner qu'ils se seront arrêtés dans quelque village et y auront couché.

J'ai lu avec attention les ordres que le Gouvernement m'adresse en date d'hier ; et je crois qu'il est de mon devoir de lui soumettre respectueusement, par votre organe, l'observation que voici.

Pour qu'Oropos puisse être réellement investi, il faut au moins 300 hommes tout prêts et capables d'occuper, en une seule nuit et à l'improviste, toutes les positions, sans toutefois que la ligne que l'on avait déjà décidé d'occuper plus loin soit abandonnée. Or, nous n'avons pas à notre disposition des forces suffisantes pour cela. Apostolides avec ses hommes pourra à peine garder Salessi et les lieux circonvoisins jusqu'au rivage. Tenter une telle entreprise et n'y pas réussir, ce serait faciliter la fuite de la bande et exposer la vie des prisonniers.

Je vais me rendre aujourd'hui à Salessi, pour me concerter avec le Capitaine Apostolides. Je tâcherai d'avoir aussi une entrevue avec le Capitaine Liacopoulo pour m'entendre également et pour trouver, à nous trois, les moyens les plus propres à assurer l'exécution de la mesure ordonnée. De là je vous tiendrai au courant de ce qui sera fait ultérieurement.

Votre, &c.
(Signé) THEAGENIS.

Annex No. 6.

M. Œconomides to Lieutenant-Colonel Théagénis.

(Traduction.)

M. le Colonel,

Scala, le $\frac{9}{21}$ Avril, 1870.

AUJOURD'HUI, de très-grand matin, j'ai reçu une lettre datée d'Oropos ; elle est d'une jeune Anglais du nom de Noël qui m'avait écrit encore hier au soir de remettre une autre missive au Commandant du vapeur-de-guerre et de lui dire aussi de n'opérer aucun débarquement de troupes, s'il y en avait à bord, attendu que les prisonniers se trouveraient en pareil cas exposés à un péril imminent, qu'il aurait plus tard à en rendre compte, lui, le Commandant, &c. Il en écrivait autant au capitaine lui-même en y ajoutant toutefois qu'il avait eu peine à dissuader les brigands de prendre la fuite, dès l'instant où ils soupçonnèrent qu'il y avait des troupes à bord du vapeur.

De plus, il priait le Commandant de lui faire savoir si en partant pour Chalcis il voulait le recevoir lui-même à son bord.

A la lettre de M. Noël nous avons répondu, le Commandant et moi, qu'il n'y a aucun soldat à bord, et que le vapeur qui croisait dans le golfe avait été forcé par le mauvais temps à chercher un abri dans cette rade.

M. le Commandant m'a dit de vous écrire et de vous demander si vous désirez que quelque dépêche télégraphique soit expédiée de Chalcis, où le vapeur doit se rendre à cet effet ; en pareil cas, envoyez-nous votre dépêche et j'irai, moi aussi, à Chalcis et ferai toutes les démarches nécessaires pour que dans l'espace de six heures nous ayons une réponse. Dans six heures nous serons de retour de Chalcis avec le vapeur, et nous apporterons la réponse à votre télégramme.

Veuillez me faire parvenir votre réponse par des cavaliers, si c'est possible, car le vapeur partira aussitôt que le jeune Noël arrivera d'Oropos.

Tout à vous,
(Signé) G. ŒCONOMIDES.

Annex No. 7.

The Greek Ministers to Lieutenant-Colonel Théagénis.

(Traduction.)

M. le Lieutenant-Colonel,

Athènes, le $\frac{9}{21}$ Avril, 1870.

LE Maire de Peræa nous a télégraphié de Chalcis que les Arvanitéi sont en route pour Sykamino, et que, d'après les renseignements fournis par M. Noël, il est probable qu'ils se mettent sous la protection du pavillon Anglais. M. Erskine, Ministre d'Angleterre, a télégraphié à M. Noël de se rendre à Oropos et de négocier avec les Arvanitéi au sujet de ce dessein qu'ils pourraient avoir.

Tout en vous faisant part de ces détails, nous vous prions de rester où vous êtes jusqu'à ce que cette malheureuse affaire soit terminée. Nous vous transmettons en même temps les ordres que voici.

Si les brigands se transportent au village de Sykamino, vous ne les attaquerez pas, car il y a espoir d'arriver à une entente avec eux.

Vous concentrerez à Sykamino tous les détachements placés sous les ordres des Capitaines Liacopoulo, Apostolides, et Ladopoulo ; vous investirez ce village étroitement et de près, afin d'empêcher quand-même que les brigands n'en sortent ; et s'ils essaient d'en sortir, vous les attaquerez. Il va sans dire qu'avant d'ordonner l'attaque, vous renouvelerez aux Arvanitéi les offres dont vous avez déjà connaissance par nos instructions antérieures.

(Signé) TH. A. ZAIMIS.
CH. SOUTZO.
A. D. AVIERINOS.
G. TOMBAZIS.
D. SARAVAS.
S. VALAORITIS.

N.B.—Cette dépêche a été expédiée le $\frac{9}{21}$ Avril vers le soir, et elle n'est parvenue à sa destination qu'après les événements.

Annex No. 8.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président,

Schimatari, le $\frac{10}{22}$ Avril, 1870.

CE que nous craignons est malheureusement arrivé. Tous nos efforts pour sauver les infortunés captifs ont échoué contre la férocité des malfaiteurs. Après le meurtre des prisonniers et les coups de feu tirés par les brigands, il n'y avait plus d'ordres ni d'injonctions qui pussent retenir les soldats. Il est à regretter qu'au moins la destruction complète de la bande n'eût pu être opérée. Toutefois, ceux des brigands qui ont péri en étaient les hommes les plus redoutables (sauf néanmoins Tako Arvaniti, que, par erreur, on avait cru reconnaître parmi les morts, et que malheureusement n'y était pas). Si Délum avait été occupé par les troupes envoyées de Chalcis, le résultat eût été tout autre probablement, car on aurait ainsi coupé la retraite aux bandits. Le détachement posté à Délum par Liacopoulo n'a guère su tirer avantage de sa position. Il faut que la poursuite continue, mais avec plus de vigueur, pour ne pas laisser le temps à la bande de se réformer, et pour amener au contraire la destruction des hommes qui en restent, déjà déconcertés et découragés.

Je crois que ma présence ici n'est plus désormais nécessaire, et je vous prie de regarder ma mission extraordinaire comme terminée.

Je vous, &c.

(Signé) THEAGENIS

Annex No. 9.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président,

Délum, le $\frac{12}{24}$ Avril, 1870.

AU reçu de votre dépêche télégraphique concernant l'envoi des deux cadavres, je me suis rendu ici incontinent, mais les deux corps avaient déjà été transportés à Athènes depuis avant-hier.

Vers le soir est venu aussi le Secrétaire du Lord Muncaster pour rechercher ces corps, et il va repartir par le paquebot sur lequel ils ont été embarqués, et qui est arrivé ce matin à 5 heures.

Les cercueils où les corps ont été placés sont malheureusement d'une confection détestable, faute de bon matériel ; c'est même à grande peine que le Sous-Préfet Mégapanos a pu procurer celui qui a servi à les confectionner.

Le brigand capturé, dont il était question dans mon télégramme d'hier, s'appelle Photis Economos ; il est originaire du village Mikra Kanghena, situé sur le territoire Ottoman.

Votre, &c.

(Signé) THEAGENIS.

Annex No. 10.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président,

Salessi, le $\frac{12}{24}$ Avril, 1870.

LES brigands qui restent de la bande des Arvanitéi, à laquelle sont venus s'adjoindre deux nouveaux compagnons (car au lieu de douze on en a aperçu quatorze), s'approchèrent dans l'avant-dernière nuit du village Liatani (commune de Tanagre), et dépêchèrent un berger vers un habitant que je connais, et qui est digne de foi, pour lui demander quatorze ocques de farine ; ce villageois, tout en envoyant la farine demandée, s'empressa d'en donner avis au maire, et, par lui, à M. le Capitaine Liacopoulo. Celui-ci partit, dès hier, pour Liatani, et aujourd'hui il marchait sur Scourtanochori pour dépister les bandits et nous avertir ensuite, afin que je me hâte de me joindre à lui avec le Capitaine Apostolidès, qui a préparé ses hommes dès aujourd'hui.

Aujourd'hui, après l'embarquement des deux cadavres à bord du vapeur de l'Etat, j'ai quitté Délum pour venir à Liatani ; là, m'étant abouché avec le villageois dont j'ai parlé plus haut, j'ai appris que les brigands s'étaient dirigés vers le village de Crora et ses environs, où ils ont des amis parmi les pâtres ; ils n'avaient plus de capotes, et ils étaient très-abattus et profondément découragés.

Si dans la battue que nous allons faire, nous les découvrons, leur perte est, pour ainsi dire, assurée, eu égard au triste état où ils sont réduits.

Les populations, qui paraissaient terrifiées après les événements d'Oropos, ont commencé à reprendre courage, quand elles ont vu combien de brigands ont été tués ces jours-ci. Si les hommes qui restent de la bande infâme sont exterminés à leur tour, les paysans se rassureront davantage, et l'existence du brigandage deviendra désormais plus difficile.

En traversant l'Asopus, le 21 de ce mois, mon cheval s'embourba au moment de sortir; en s'efforçant de se dégager, il m'a, peu s'en faut, désarçonné, et je me suis cogné très-violemment sur le pommeau de la selle au côté gauche. La douleur que j'en ressentis ne fut pas d'abord très-vive; mais en ce moment elle devient on ne peut plus intense par suite de la fatigue et de la non-application de sangsues sur la partie contusionnée. Je crains donc de ne pouvoir suivre ceux qui feront la battue en question.

Le chapelet donné par Lady Muncaster au chef de bande, Christo Arvanitaki, a été retrouvé, et j'ai prié M. le Capitaine Apostolides de le faire parvenir à cette dame par votre intermédiaire.

J'ai vu aujourd'hui le brigand capturé; je lui ai adressé différentes questions; il n'a voulu faire aucun aveu; il a deux blessures, dont l'une est dangereuse.

J'ai, &c.
(Signé) THEAGENIS.

P.S.—Parmi les brigands en fuite, il y en a un du village de Villia; cet homme est blessé à la jambe, ainsi que l'a affirmé l'individu qui a vu ceux qui restent de la bande décimée.

L'adjonction de deux nouveaux compagnons est inconcevable, surtout après l'échec que la bande a essuyé en dernier lieu.

(No. 16.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, May 5, 1870.

Sir,

(Received May 11.)

ON Saturday evening the Minister for Foreign Affairs, Mr. Erskine, and I went to the prison, where we interrogated separately the wounded and incarcerated brigands. Your Excellency will find inclosed a précis of the examination, which lasted two hours (Inclosure No. 1). The brigands had nothing, or pretended to have nothing, to confess as to the possible relations of the chiefs of the band with persons in Athens.

Though the brigands did not agree exactly in indicating the period of time during which they were roaming about in Attica, at a few hours' distance from the capital, one arrives, from their depositions, at the conviction that they had been doing so for several days. It is, therefore, impossible that the Government should have been ignorant of the fact. Besides other indications, there is an irrefragable proof of this in a despatch signed by Signor Avierinos, who was in charge of the Ministry of the Interior during the absence of Signor Zaimis, and dated on the very day of the capture, in which the commander of the military detachment in Attica is informed of the presence of the brigands, and the places of their existence are indicated (Inclosure No. 2).

I think it therefore undeniable that the Government, knowing as it did the departure of the travellers and the presence of the brigands, is in fault in not having warned the public and the Foreign Legations of the dangers which travellers incurred in their excursions. Further, this disastrous event would not have occurred, if towards noon, or even later, a strong patrol of mounted gendarmes had been sent off, for their mere presence would have dissuaded the brigands from attempting the capture.

The French Minister addressed, some days ago, an energetic note to the Minister for Foreign Affairs, laying down the principle that the Greek Government is responsible for the ransoms of French subjects who may be captured in Attica, in consequence of absolute negligence on the part of the local authorities.

I have, &c.
(Signed) DELLA MINERVA.

P.S.—I likewise inclose translation of a letter found on the Chief of the band, Christo Arvanitaki, and written by a certain Averof, father of a Deputy, and a rich proprietor

(Inclosure 3). From this letter it may be inferred how, in the absence of public security, proprietors are obliged to come to terms with the brigands.

Annex No. 1.

Notes of Examination of the Four Brigands on the 30th April, by the Ministry for Foreign Affairs, in the presence of the Ministers of England and Italy.

[See "Greece No. 7," pages 6 to 9.]

Annex No. 2.

(Translation.)

To the Commander of the Military Detachments in Attica.

THERE is reason to suspect that a portion of the brigand band of the Arvanitéi is hiding in the neighbourhood of the commune of Marathon, towards Plexiza, Ierotzikuli, and Retzina, as far as Daù.

We inform you of this suspicion, and order you to have every spot thoroughly searched by a detachment under the command of Lieutenant Angeli Georgia, and to acquaint us of the result.

Athens, ^{March 30}
April 11, 1870.

The Minister of the Interior *ad interim*,
(Signed) A. D. AVIERINOS.

Annex No. 3.

(Translation.)

Dear Sir and Friend ("Signor compère"),

April 1, 1870.

I HAVE received your letter of the 30th of March, and am glad to hear that you are well, and have passed the winter tolerably; we passed it pretty well too; but the last cold weather in March did us considerable damage. But what can one do? We must submit to God's will. As soon as I got your letter, I sent for Teodoro and Giorgio, and communicated it to them; I inclose their answer. I gather from your letter that you have hired the mountain of Dafnona for two years, for 7,100 ducats. It is rather dear, but you could not do otherwise, for the rent of mountains in Negropont has increased greatly on account of brigandage. Since you have taken the mountain, I will send my flocks there, which amount only to from 130 to 150 head. Your wife's brother, and your brother-in-law, write to you at greater length.

Farewell.

(Signed) D. AVEROF.

My respects to your wife (?) ("la commère"), and to all your relations.

P.S.—If Dino asks to be admitted to the mountain, I think it would be as well to accept his proposal, because he is a friend (compère) of Mr. Frank; because he is my "compère,"* and my friend, and also for many other reasons.

(No. 17)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, May 5, 1870.

Sir,

(Received May 11.)

THE trial of the brigands in custody is being carefully proceeded with; and the Minister for Foreign Affairs told me yesterday that he knew that the case for the prosecution ("conclusioni del Ministero Pubblico"), would be ready in a few days. At the same time the cases respecting the communication the brigands had with the capital and with other towns are being actively carried on, thanks to my persistence and that of the English Minister. The latter has received repeated instructions not to desist from demanding that the brigands still at liberty should be pursued, and their accomplices discovered.

* Mr. Noel. This sentence is erased in the original.

At present it appears from letters that the brigands received advice and encouragement from Chalcis, in the neighbourhood of which the other brothers of the Arvanitaki, who are in the service of rich proprietors, reside.

Unluckily, at present, nothing is known of the fugitive brigands, and all traces of the Chief Taco, who is said to have been wounded, are lost.

The band, however, must have no rest given it, and I know that the English Government have requested that of Turkey to use strict vigilance on the frontier and in the bordering provinces.

Sir Henry Elliot, English Ambassador at Constantinople, arrived yesterday at 1 o'clock at the Piræus. He stops the whole of to-day at Athens. His Excellency has to-day seen His Majesty and other persons. The present case of brigandage is ascribed as the motive of his coming. I am inclined to believe that the English Government has taken advantage of Sir Henry Elliot's journey to declare, through the authoritative voice of an Ambassador, the necessity of satisfying public opinion by means of energetic and efficacious measures for the destruction of brigandage.

I avail, &c.
(Signed) DELLA MINERVA.

P.S.—I transmit, for your Excellency's information, the opinion of the Procurator-General respecting the demand made by the brigands that they should be pardoned without presenting themselves for trial.

D. M.

Annex.

(Traduction.)

A M. le Président du Conseil des Ministres.

Athènes, le $\frac{9}{21}$ Avril, 1870.

SUR les questions sur lesquelles j'ai été invité à donner mon avis, et qui sont les suivantes :—

“ 1. Est-il possible de convoquer une Cour d'Assises au village d'Oropos ?

“ 2. Les brigands qui s'y trouvent pourraient-ils y être jugés contradictoirement par la Cour d'Assises qu'on y convoquerait, quoique restant en armes et se tenant en distance ?

“ 3. Enfin, ces brigands, jugés par contumace et condamnés par une Cour d'Assises quelconque, pourraient-ils être graciés après ? ”

Sur ces questions, dis-je, j'ai l'honneur de donner mon avis par écrit, de même que je me suis prononcé de vive voix en présence du Conseil des Ministres :—

1. Aux termes de l'Article 410, paragraphe 2, du Code d'Instruction Criminelle, le Gouvernement peut, pour des motifs graves, convoquer une Cour d'Assises en quelque lieu qu'il le juge convenable, pourvu seulement qu'en ce lieu il y ait tout ce qu'il faut pour le fonctionnement d'une Cour d'Assises, c'est-à-dire, un dépôt où les accusés puissent être transférés et gardés jusqu'au jour de l'audience, un local tant soit peu approprié aux besoins de la Cour qui y siègera, et, avant tout, un assez grand nombre d'habitants, de ceux qui, aux termes de la loi, ont qualité pour remplir les fonctions de jurés, afin que l'on puisse prendre parmi eux autant de personnes qu'il faudrait pour compléter, au besoin, le nombre voulu de jurés ordinaires et supplémentaires, conformément à l'Article 63 de la Loi sur l'Organisation des Cours et Tribunaux. Or, je pense qu'il n'est pas possible que tout cela se trouve dans le village en question.

2. Les brigands ne sauraient être jugés contradictoirement par une Cour d'Assises, tant qu'ils demeureraient sous les armes et tout en se tenant à une certaine distance de la Cour, puisque l'un des actes les plus essentiels de l'instruction préalable en matière criminelle est l'emprisonnement préventif des accusés (Articles 207 et 216, paragraphe 1, du Code de l'Instruction Criminelle), et que, en comparissant à l'audience, les accusés ne sont pas chargés de chaînes, il est vrai, mais se trouvent néanmoins placés sous la garde de la force armée ; les Articles 374 et 422 *in fine* du Code d'Instruction Criminelle sont formels à cet égard. Dès lors il est incontestable que les accusés doivent non-seulement être sans armes, mais encore être sous la main de la justice criminelle et à son entière disposition.

3. Les brigands dont il s'agit peuvent certes être jugés par contumace et condamnés par n'importe quelle Cour d'Assises, mais des individus condamnés par contumace ne sauraient être graciés, attendu que, d'abord, celui qui encourt une condamnation par contumace pour ne s'être pas rendu à l'appel de la justice, et qui dès lors est “ rebelle à la loi,” suivant l'expression des jurisconsultes Français, n'est pas digne de la faveur du Souverain, et que, en outre, la grâce, à la différence de l'amnistie, qui met fin à toutes poursuites, n'a d'autre effet que de soustraire le condamné à la peine qu'il a encourue,

quand l'arrêt qui l'en a frappé est devenu définitif et irrévocable. Or, un arrêt rendu par contumace ne le devient qu'à l'expiration du délai fixé pour la prescription, à savoir, vingt ans à partir du jour où il a été rendu. C'est pourquoi, dès que, avant l'expiration de ce terme de vingt ans, l'individu condamné par contumace s'est présenté volontairement ou a pu être arrêté, il est de plein droit jugé contradictoirement par le jury (Article 470 du Code d'Instruction Criminelle). Les lois Françaises sont, sur ce point, d'accord avec notre législation. (Voir Bonneville, page 127 ; Morin, "Dictionnaire Criminel," *in verbo* "Grâce ;" et Dalloz, "Répertoire," au même mot "Grâce," page 19).

Pour ce qui concerne l'amnistie, je crois toute application inutile en présence de l'Article 39 de la Constitution, qui porte, en termes formels, que "le Roi ne peut accorder d'amnistie, si ce n'est pour crimes politiques."

Le Procureur-Général près l'Aréopage (Cour de Cassation),
(Signé) C. PRIVILEGIO.

(No. 18.)

His Majesty's Minister at Athens to the Minister for Foreign Affairs, Florence.

(Translation.)

Athens, May 7, 1870.

Sir,

(Received May 13.)

I INCLOSE to your Excellency translation of a letter addressed by General Soutzo, late Minister of War, to the newspaper "Il Secolo." In this document particular stress is laid on the depositions of the Commander of the Detachments, who says that he repeatedly advised that the carriages should proceed slowly in order that he might follow them, and it is affirmed that the band of the Arvaniti only arrived on the Marathon road on the very day of the capture.

These two points are in contradiction with other depositions which I have noticed to your Excellency, as well as with the letter of M. Avierinos, inclosed in my Report of the 5th instant.

M. Soutzo speaks of the usual custom of sending direct information to the Ministers as to the excursions which foreigners and members of the Diplomatic Body intend making outside Athens. This is not correct: there never was any rule on this point, nor were we ever officially or unofficially informed as to the course we were to pursue in similar cases. We were only told to give previous warning of the excursions which our respective countrymen intended making.

It has sometimes happened that on the spur of the moment, I and some of my colleagues have written a line to the Minister of the Interior, to acquaint him in the evening that an excursion would be made next day; but in this particular case, which has had such sad results, notice was sent to the police by the English Minister on Saturday afternoon.

M. Soutzo therefore confesses, when he says that notice was given to the gendarmes on the evening of Sunday at 10 o'clock, that such notice was given twenty-four hours or more after Mr. Erskine's request was made. If, then, the Minister of War knew of, or even had any doubts of, the presence of the band of the Arvaniti in Attica, it is impossible to understand why he did not communicate his information or his doubts to the authorities charged with escorting the travellers. If these doubts had been communicated to Mr. Erskine at the moment when he sent notice to the police, or on the following day, the travellers would certainly have abandoned all idea of this unfortunate excursion.

I have, &c.

(Signed) DELLA MINERVA.

Annex.

Letter of M. Soutzo.

Au Rédacteur du "Siècle."

A LA suite du tragique évènement du $\frac{9}{21}$ Avril, que nous pleurons tous, j'ai cru nécessaire de me démettre des fonctions de Ministre de la Guerre; je l'ai fait, non parce que je me croyais seul responsable de toute atteinte à la sécurité publique, mais parce que je voulais, libre de toute obligation, me présenter devant l'opinion avec la confiance qui m'est imposée par les faits, par les devoirs, par l'intérêt même du pays.

La question de la sécurité publique est une question de police administrative et judiciaire ; c'est aussi une question de force armée. Je n'ai pas à parler du premier de ces deux points, qui n'était pas de ma compétence. Quant à l'armée et aux fonctions qu'elle remplit dans l'état actuel de notre société, il est de mon devoir de faire observer que tout le monde attend tout de l'armée. C'est à la petite armée de la Grèce qu'on a confié la perception des impôts, la garde des prisons, l'ordre public en temps d'élections communales et départementales, la poursuite du brigandage. Et bien que le soldat ait aujourd'hui à souffrir la misère, qu'il soit exposé à toute sorte de dangers, à des blessures, à la mort, on lui demande néanmoins de faire l'impossible, on appelle son concours pour les provinces, pour les communes, pour les particuliers, pour les établissements ruraux. Malgré la multitude de ces exigences, les recrues ne se présentent pas régulièrement et les vides de l'armée se remplissent avec difficulté.

On a voulu rejeter sur le Ministre de la Guerre, surtout en ce qui concerne la province d'Attique, l'absence ou l'insuffisance de la force armée. Or, d'après l'état officiel de la force mobile de cette province, il résulte que cette force avait été réduite l'année dernière à 28 hommes, tandis que cette année-ci elle a été portée à 120, et en temps d'élection à 80, à cause de la nécessité d'envoyer des détachements dans le Péloponnèse. Les patrouilles qui circulent autour de la ville étaient composées l'année dernière de 10 hommes seulement ; cette année elles en comptaient 40, sans compter les différents postes de gendarmerie.

Ces chiffres démontrent clairement que la force militaire en Attique, loin d'avoir été diminuée, a été augmentée. Je crois ajouter que toutes les fois qu'il se présentait quelque soupçon, quelque nécessité, la garnison d'Athènes envoyait des détachements sur les points indiqués ; ces détachements revenaient dans la ville, dès que l'objet de leur mission était accompli, pour reprendre le service pénible de l'armée dans la capitale.

En effet, le service journalier de la garnison exige absolument 201 hommes ; or, en bonne règle, les hommes de la garnison ne doivent servir qu'un jour sur cinq. Ainsi, à se conformer strictement avec les règlements, la force de la garnison devrait se monter à 1,004 hommes, tandis que, d'après l'état officiel du Commandant de la place de la ville d'Athènes du 6 Avril (avant l'envoi de deux compagnies à Salessi), le 1er Régiment comptait 400 hommes et le 9me 57 ; les autres hommes de ce dernier régiment étant détachés pour le service mobile. Ainsi nos soldats n'auraient pu dormir qu'une nuit au lieu de quatre, ce qui était absolument impossible ; et nous comblions cette lacune, bien qu'imparfaitement, par les sapeurs pompiers et les artilleurs en dépit des règlements qui donnent à ces deux corps une destination spéciale. Toutefois, malgré ces continuelles misères, ces incessantes privations, l'armée a toujours montré de l'amour-propre, du courage, beaucoup de dévouement aux devoirs, et une conduite digne de tout éloge.

Au surplus, tant que j'étais au Ministère, toutes les décisions, toutes les mesures de sécurité publique se réglaient, d'un commun accord, avec le Ministre de l'Intérieur ; il n'y a jamais eu aucun dissentiment entre l'honorable Président du Conseil et moi, ainsi que le témoigne la lettre suivante dans laquelle il me notifie l'acceptation de ma démission : "J'ai l'honneur de vous communiquer ci-joint le Décret Royal par lequel Sa Majesté a daigné accepter votre démission, et vous exprimer sa Royale satisfaction pour vous être chargé du Ministère de la Guerre dans des circonstances critiques. En vous notifiant cette décision du Roi, je crois de mon devoir de vous remercier en particulier pour le concours sincère et empressé que vous avez prêté au Gouvernement dans l'œuvre difficile qu'il avait entreprise."

Je passe au drame douloureux dont la Grèce entière porte le deuil, et qui se divise en deux parties : la capture et la destruction des nobles ôtages.

1. Capture.

La bande des Arvanitéi, on le sait, est partie de la frontière, a traversé la Phthiotide, a été attaquée près de Lévia et de Thèbes, et s'est arrêtée dans la Mégaride. A cette nouvelle, le Gouvernement a envoyé en Mégaride 50 hommes, pris dans la garnison d'Athènes, afin de renforcer les détachements de cette province. Les troupes de Mégaride, il est vrai, n'ont pas eu le bonheur de rencontrer ces brigands, mais il faut convenir que ce n'est pas là un reproche à faire au Gouvernement, ni au Ministre de la Guerre en particulier.

Il est également vrai que, pendant plusieurs semaines, aucune autorité n'a pu découvrir leurs gîtes ; mais est-ce sérieusement la faute du Ministre de la Guerre si le Royaume de Grèce n'a, à bien prendre les choses, point de police rurale ?

Cependant, bien que les fonctionnaires compétents n'eussent donné aucun avis de l'apparition de la bande en Attique, néanmoins j'avais ordonné au Chef de la Gendarmerie

d'expédier un Brigadier et 99 gendarmes pour visiter et fouiller les endroits suspects de l'Attique, et surtout de la route de Marathon; mais ce Brigadier, après huit jours de recherches, est revenu le ^{28 Mars} ^{10 Avril} c'est-à-dire, quarante-huit heures avant l'affaire, et a déclaré n'avoir rien découvert.

En effet, il ne s'est pas écoulé plus de quarante-huit heures entre le retour des gendarmes et l'invasion en Attique des Arvaniteï et le coup de la route de Marathon.

La route carrossable d'Athènes à Marathon a une étendue d'environ quarante-cinq stades (kilomètres); elle est gardée par un seul poste, celui de Stavros. Depuis le village de Ocharvati jusqu'à Marathon, c'est-à-dire, pendant environ trente stades, il n'existe aucune habitation sur la route, en sorte que d'ordinaire les détachements s'en éloignent pour hanter des lieux habités. Et toutes les fois qu'ils sont avisés du passage de touristes, ces petites colonnes mobiles descendent dans la route et accompagnent les voitures jusqu'aux endroits qui n'offrent aucun danger. Outre l'escorte des détachements de la route, on donne aux voyageurs une escorte d'Athènes même, toutes les fois qu'elle est demandée. Ces demandes étaient ordinairement adressées aux Ministres des Affaires Etrangères, de l'Intérieur, ou de la Guerre. Cela se passait ainsi depuis l'achèvement de la route de Marathon, c'est-à-dire, depuis environ treize ans. Il a fallu un concours de circonstances déplorables accumulées pour amener la capture des nobles étrangers. La demande d'une suite a été faite à la police. Celle-ci l'a renvoyée à la gendarmerie, qui donna pour suite des étrangers allant à Marathon quatre gendarmes à cheval. La gendarmerie avertit, en outre, vers 10 heures du soir, le chef des détachements de Kephissia d'avoir à surveiller la route le lendemain; mais, à cette heure de la nuit, il était malheureusement impossible de prévenir à temps tous les détachements, qui, à cause de la nature même de leur service, changent continuellement de place.

Il faut d'ailleurs reconnaître que l'escorte de quatre gendarmes à cheval, donnée aux malheureux étrangers, était insuffisante; mais tout cela était fait à l'insu du Gouvernement, aucun des Ministres n'ayant directement ou indirectement eu connaissance de l'excursion projetée. Disons aussi que ce n'a pas été là la seule malheureuse péripétie de ce drame. L'excursion, on le sait, a eu lieu dans la matinée du 30 Mars (vieux style), jour où la bande des Arvaniteï est arrivée sur la route de Marathon venant de Mégaride, ce qui est constaté par l'enquête. Lorsque la bande est arrivée sur la route, le matin, les voitures étaient déjà passée. Cependant les étrangers s'étaient avancés jusqu'au Tumulus, où ils furent rejoints par le détachement des environs. Le malheur a voulu que ce détachement n'ait pas pu prévenir la capture: il est constaté en effet que le guide ne transmit aux étrangers aucun des conseils donné par le chef du détachement. Voici un extrait de l'interrogatoire de ce sous-officier:—

“ J'étais dans la circonscription de Marathon, près des bergeries de Macri. Nous fûmes avertis, vers midi, que des touristes devaient aller à Marathon et que nous devions nous occuper de leur sécurité. Cet ordre avait été remis au Sous-Lieutenant Anghelis, chef du détachement. Cet officier nous mit en marche; lorsque nous arrivâmes au village de Boy il donna l'ordre au Caporal Pierre d'aller, avec trois soldats, garder la route depuis Plexiza jusqu'à Gherocacouli; à un autre Caporal avec trois autres soldats de circuler depuis Gherocacouli jusqu'à Rafina, et à moi de surveiller avec trois soldats depuis Rafina jusqu'à Pikermi; quant à notre officier, il nous dit qu'il resterait en arrière pour suivre les voitures avec trois autres hommes, car il ignorait que les étrangers fussent déjà à Marathon. Pendant que nous nous dirigeons vers les postes indiqués nous vîmes les voitures près du Tumulus; aussitôt nous les arrêta; deux gendarmes à cheval coururent sur nous pour voir qui nous étions; après nous être reconnus je leur demandais qui était à leur tête; le nommé Boulgaris m'a dit que c'était lui. Je le chargeai de dire aux étrangers qu'il serait bon de faire aller leurs voitures doucement, parce que nous avions l'ordre de les accompagner: les voitures arrivèrent sur ces entrefaites. Alors l'interprète et le cocher m'appelèrent et l'un des étrangers m'offrit un billet de 25 drachmes. Je demandai au guide pourquoi il me donnait cet argent; il me répondit que c'était pour donner à boire aux soldats: j'acceptais. Je dis à l'interprète de traduire à ces messieurs que nous étions des hommes de la troupe mobile, que nous avions l'ordre de les accompagner et qu'il fallait faire marcher les voitures au pas pour que nous pussions les suivre. Alors les voitures partirent et allèrent au puits, où elles s'arrêtèrent pour faire boire les chevaux. Nous restâmes en arrière, mais nous les rejoignîmes au puits, où le caporal et moi nous avons de nouveau dit aux étrangers, par l'intermédiaire de leur interprète, que nous allions prendre les devants et que les voitures devaient nous suivre lentement et de loin. Je partis donc avec sept hommes, moi huitième; quant au caporal, avec trois autres soldats, il resta pour suivre les voitures. Avant d'arriver au pont de pierre de Xilokerisa, c'est-à-dire, dix ou douze minutes loin du puits, nous fûmes rejoints par les voitures, et là encore je leur répétais d'aller doucement parce que nous ne pouvions

pas les suivre. Alors les gendarmes Panayotti et Athanase Boulgaris nous dirent, 'Puisqu'ils ne veulent pas s'arrêter, vous n'êtes pas des oiseaux pour nous suivre, nous qui marchons sur quatre jambes,' et les voitures se mirent à courir tandis que nous faisons notre possible pour ne pas trop mettre de distance entre elles et nous. Arrivés à la bergerie de Prapa, nous entendîmes deux coups de feu qui devaient être les derniers, car nous n'entendîmes pas d'autres. Soupçonnant qu'il était arrivé quelque chose, nous nous débarassâmes de nos capotes et nous nous mîmes à courir à toutes jambes ; nous arrivâmes ainsi au lieu de l'attaque, où nous vîmes le gendarme Vassilaki blessé et son cheval tué. Il y avait là aussi un caporal et quatre ou cinq soldats : ayant appris ce qui venait d'arriver, je pris à ce caporal deux de ses soldats et je courus à la poursuite des brigands.

"En foi de quoi, &c. &c.

2. *Extermination des Prisonniers.*

Je passe au crime atroce qui a eu pour objet l'extermination des ôtages. Les brigands avaient écrit à plusieurs reprises au Gouvernement que, si l'on envoyait contre eux les soldats, ils massacraient les prisonniers. Connaissant par expérience que ces menaces des brigands pourraient être réalisées, et pressentant l'horreur et l'atrocité d'un pareil acte, je fis au Conseil des Ministres une proposition qui était, selon moi, la seule capable de sauver les malheureux prisonniers ; je proposai d'envoyer un corps de troupes qui aurait marché de nuit et en grand secret, et qui au point du jour serait arrivé sur les brigands, les aurait étroitement entourés, et les aurait ainsi forcés à se soumettre aux ordres du Gouvernement. Ce plan devait être mis en exécution pendant que les brigands étaient encore avec leurs ôtages à Oropos. La situation topographique de ce village fera penser à tous ceux qui la connaissent que mon plan ne devait pas rencontrer des grandes difficultés. Pendant la délibération on me demanda qui prendrait sur lui l'exécution d'un pareil coup, et je n'hésitais pas à répondre, Moi.

L'entreprise, dont je me chargeai ainsi, avait beaucoup de chance de succès. Malheureusement, le lendemain on s'arrêta à un autre projet qui avait été communiqué à d'autres personnes dont l'opinion et les convictions devaient avoir, de l'avis de tous, le plus grand poids dans cette question. Ce projet consistait à envoyer des troupes d'observation avec l'ordre d'empêcher les brigands de partir avec leurs ôtages. Mais les brigands s'étaient mis à fuir, et ayant vu de loin les soldats, se sont jetés, comme des bêtes féroces, sur ces malheureux étrangers, et c'est ainsi qu'a été consommé ce crime inouï.

Je dois ajouter, en finissant l'exposé de ce drame atroce, qu'en donnant suite au sentiment qui m'a fait éloigner du Ministère, j'ai voulu ainsi abandonner la portefeuille de la guerre et ne point attendre jusqu'à la Session Législative pour rendre compte de ma conduite ; j'ai voulu au contraire rentrer dans la vie privée et dire au public en toute sincérité que, loin d'avoir négligé mes devoirs, je m'étais au contraire offert, au péril de ma vie, à sauver l'existence si précieuse des ôtages.

Voilà ce que m'a dit ma conscience. Quant aux insultes et aux calomnies dont on a voulu, en exploitant l'indignation générale produite par ce crime, entacher ma vie et empoisonner mon existence, je n'y réponds pas ; je ne laisse pas ce soin même à mes amis ; je m'en rapporte à ce que diront mes ennemis.

(Signé) SOUTZO.

No. 3.

Sir A. Paget to the Earl of Clarendon.—(Received May 22.)

My Lord,

Florence, May 19, 1870.

IN pursuance of an intimation received the evening before last from M. Visconti Venosta, I went yesterday morning at 10 o'clock to the office of the Juge d'Instruction, near the Gallery of the Uffizzi, for the purpose of hearing the deposition of Domenico Roella, the servant of the late Count Boyl. I was accompanied by Mr. Herries, and Count Tomielli, the Chef de Cabinet of the Minister for Foreign Affairs, was likewise present.

Before the proceedings commenced I suggested that, as the evidence about to be taken would in all probability have to be produced before the Court of Inquiry at Athens, the witness should be sworn ; but the Magistrate stated that it was not customary to administer the oath in a preliminary inquiry ("l'instruction préliminaire"), but that the witness would be warned that he must state the whole truth, and that if it should hereafter be discovered that he had spoken falsely he would be subject to the same penalty as if he had been sworn. This, said the Substitute of the Procuratore del Re, was in conformity with the

Italian mode of procedure, which it was necessary to observe in the present instance, and the warning was accordingly given to the witness.

The taking of the deposition lasted no less than five hours, so that I did not get back to my house till past 3 o'clock, and as the mail leaves shortly after 4, time did not admit of my sending my written Report to your Lordship by yesterday's post. Your Lordship will, however, have learnt from my telegram that the evidence of the servant did not tally with the account I had heard of his statements from Count d'Aglíé, and that he had declared he had no grounds whatever for suspecting that Alexander had been in collusion with the brigands.

Although Domenico Roella's description of the principal incidents of the expedition agree in the main with those which have already been given, there is nevertheless a discrepancy between what he says and that which is stated by Lord Muncaster in his letter to your Lordship of the 10th of May, in reference to what passed when the detachment of Infantry was overtaken on the return from Marathon, and some money was given to them by Mr. Lloyd.

But as the principal purpose of the present examination was to ascertain what the servant of the late Count Boyl might have to say in reference to the possible complicity of the guide Alexander with the brigands, I had better perhaps refer to this part of his evidence first.

Domenico said that on arriving at Marathon the party had their luncheon. They were joined there by a young robust man whom Alexander greeted and spoke with as an acquaintance, having (as Domenico Roella said) probably known him from former excursions to Marathon. He overheard their conversation, and his knowledge of Greek enabled him to state that they only spoke on indifferent matters.

Alexander was very careful in collecting all the remains of the luncheon to carry home, as he said, to his wife and family.

The witness was then asked whether he had made any suggestions as to returning to Athens by another road. He said that he had made the suggestion to his master, Count Boyl, who had submitted the proposal to the party, and Alexander was asked whether there was another road. He replied affirmatively, but advised that it should not be taken, as it was much worse and longer than the road they had come by; in short, that it was impracticable.

The witness was requested to state distinctly whether any allusion had been made to the possibility of meeting brigands as a reason for its being desirable to take a different route home, and whether Alexander had not ridiculed their fears and asserted that the road was perfectly safe. He positively declared that nothing of the kind had been said, and that Alexander had grounded his objection to returning by another road solely on account of its badness.

Domenico absolutely denied that on coming up with the detachment on the return from Marathon he had made any proposal to slacken the pace in order that the detachment might keep up with them, and that his suggestion had been overruled by Alexander.

At this point of the proceedings I interposed, and said, that the present inquiry had been instituted in consequence of a communication made to me by Count d'Aglíé of what the witness had said to him. What Count d'Aglíé had understood from the witness was, that he had a sort of suspicion of the guide Alexander being in league with the brigands, and that his suspicions were mainly grounded on two circumstances: 1st, that on his (Domenico) proposing to return by another route so as to avoid the risk of meeting with brigands, Alexander had overruled the suggestion and asserted that the road was quite safe; 2ndly, that when they had come up with the detachment on the return to Athens, Domenico having suggested the pace should be slackened, was again overruled by Alexander on the same grounds as before. I therefore wished the witness distinctly to say whether he had made this statement or not.

He replied, that Count d'Aglíé must have misunderstood him; for the sole and only ground on which Alexander had objected to the change of route was because of the badness and length of the other road, which might have been taken to return; and that there had never been any question of slackening pace in order that the detachment might keep up.

I may now proceed to the point of discrepancy between Lord Muncaster's letter of the 10th of May, and Domenico's statement.

Domenico asserts that when they came up with the detachment, Mr. Lloyd took out a note (he thinks of 10 or 20 drachmas) to give to them, and that Alexander then called out to the officer or leader, "Spiro, come and take what these gentlemen give you, and drink with it to their health;" which implies of course that the whole party were together: whereas

according to Lord Muncaster, it is clear that he and Alexander being in the first carriage, and some way ahead of the other, knew nothing of what had taken place in reference to this particular, until Mr. Lloyd, in whose carriage were Count Boyl and his servant, drove up. I quoted to the witness, as near as I could remember (for unfortunately I had not taken the printed papers with me), Lord Muncaster's version of this incident, and he declared he had no recollection of Alexander having said anything but what is repeated above.

In reply to a further question of mine as to whether, from what he had either heard or seen before, during, or after the expedition, he had not some suspicions of Alexander being in league with the brigands, he replied nearly as follows: "I cannot say that I have any suspicions, but as the affair was so much talked about in Athens, and Alexander's name was mentioned among so many others of having connections with the brigands, I may have had at one moment a sort of idea that he might perhaps be implicated, but on searching my mind I cannot conscientiously say I think him guilty; on the contrary, I should be more inclined to think he was innocent." And he mentioned as one reason why he should think that he had no previous knowledge of the brigands being in the neighbourhood, was the care Alexander had taken to pack up the remains of the luncheon for his wife and children.

I suggested that this circumstance would tell quite as well the other way, for if Alexander had had a foreknowledge of the expedition into the mountains, which was awaiting him instead of returning to Athens, it was not unnatural to suppose that he should have prepared some little sustenance for his own comfort when he should fall into the hands of the banditti; but Domenico, on being questioned, said that Alexander had not taken this packet of provisions with him when the party was seized by the brigands, but had appeared to be as much bewildered as the rest of the company.

I must not omit to report that Domenico stated he had heard from Mr. Herbert's servant, Dionyse, that Alexander had told him he had seen a man in a fustanelle dress one night, who came from Athens with a letter for the brigand Chief.

Such is the general tenor of the evidence given yesterday by Domenico Roella, evidence which I must own appeared to me to partake of a certain bias in favour of Alexander, and for the further details of which I must refer your Lordship to his deposition, a copy of which I shall have the honour of forwarding as soon as I receive it from the Ministry, together with a translation.

I think it right to mention that it has been explained to me by Count Tornielli, that the evidence taken yesterday can only, according to Italian law, be made use of as a "pièce administrative," and as such will be communicated to the Italian Minister at Athens; but that should the Greek Tribunals desire to have the evidence of Domenico Roella in any prosecution which may be instituted, this evidence must be taken "à huis clos" and on oath in the presence of the Juge d'Instruction and his Secretary only.

I have, &c.
(Signed) A. PAGET.

No. 4.

Mr. Erskine to the Earl of Clarendon.—(Received May 22.)

(Extract.)

Athens, May 14, 1870.

I HAVE much satisfaction in reporting to your Lordship the arrival this morning of Her Majesty's steamer "Psyche," having on board Mr. Cookson, the Legal Vice-Consul at Constantinople, and Mr. Allan, a member of the English Bar at that place, who have been sent, under instructions from your Lordship, to watch the trial now pending of the brigands who murdered our countrymen.

I shall henceforth leave the management of this case as much as possible in the very competent hands of Mr. Cookson, but your Lordship will, perhaps, allow me to offer a few remarks upon your despatch of the 2nd,* which reached me the day before yesterday through the French Legation.

I would observe, in the first place, with reference to the statement of the brigand Alexis that the band marched in one night all the way from Vilia to Pikermes, that is to say, about thirty-five miles as the crow flies, and probably more than fifty by the route that must have been taken, that this statement has since been disproved by other evidence; and that there is now little or no doubt that the band was several days in the immediate vicinity of the capital before the capture was effected on the 11th ultimo.

* See "Greece No. 7," page 2.

With reference to the dragoman Alexander I would observe that he did not leave the brigands at Oropos, as is assumed in your Lordship's despatch, but at Sykamenon, where he was sent by Takos to stop the advance of the troops. His fault on that occasion was, that he did not apparently exert himself as much as he might have done to rejoin the band and persuade them to return quietly to Sykamenon; but his excuse is, that he had no horse, and that on foot he was unable to overtake the party, who had got a considerable start of him, although I recollect that one of the brigands states in his deposition that they drew up to await the return of the dragoman. There are far graver charges, however, against Alexander than this.

As to the two military-looking men said to have been seen by Alexis on the Tuesday following the capture, I agree with the Procureur du Roi that there was probably a confusion of dates. The two emissaries sent by Government must have joined the brigands on the Wednesday night or on the following day, and these brigands attach so little importance to a date that Alexis may have confounded the two days.

The trial is to commence on the 21st instant; and, in the meantime, I hope that Mr. Cookson will have an opportunity of seeing the captive brigands. M. Valaority's official letter does, it is true, preclude the idea of any one being present on behalf of Her Majesty's Government at these examinations, but my deposition was taken yesterday at some length by the Procureur du Roi; and, on the strength of this formality, I am assured that great facilities will be afforded me for watching the case.

It is my intention to introduce Mr. Cookson to M. Valaority this afternoon, and I trust that the Procureur du Roi will consent to the presence of Mr. Cookson in my stead.

No. 5.

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, May 22, 1870.

HER Majesty's Government are glad to learn from your telegram of the 21st instant that the difficulty with respect to Mr. Cookson being allowed to take part in the preliminary examination has been got over; but you will nevertheless continue to press for Mr. Allan being associated with him, if that point has not also been satisfactorily settled.

I am, &c.

(Signed) CLARENDON.

No. 6.

Lord Muncaster to the Earl of Clarendon.—(Received May 23.)

My Lord,

8. Chesham Place, London, May 22, 1870.

IN No. 8 of the "Correspondence respecting the Capture and Murder by Brigands of British Subjects in Greece," there appears an inclosure (No. 3), which is a copy of a note partly written by Mr. Lloyd to myself, and partly written by Mr. Vyner. In the part written by Mr. Vyner there appears the following postscript:—"P.S.—Don't send the ransom by itself."

As there is no date to this letter, and as I attach very great importance to it, and am in consequence anxious that it should appear in its proper place amongst the other letters from Mr. Vyner to myself,—constituting, as it does, the sole reason why the ransom was not sent out on Thursday the 14th April,—I venture to supply the omission. I received the letter either on Thursday morning the 14th April by the first messenger who came in from the captives after my release, or during the course of that day; in fact, the letter was an answer to the first I sent to Mr. Vyner on Wednesday the 13th, in which I said, "The money is ready; where shall I send it?"

I have, &c.

(Signed) MUNCASTER.

GREECE. No. 11 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON

PRINTED BY HARRISON AND SONS,

169
GREECE. No. 12 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—126.] Price 1½d.

LIST OF PAPERS.

No.					Page
1. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 16, 1870	1
2. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 17, —	1
One Inclosure.					
3. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 18, —	2
4. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 19, —	3
Four Inclosures.					
5. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 19, —	5
6. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 19, —	6
Five Inclosures.					
7. Mr. Erskine to the Earl of Clarendon	..	..	..	.. May 19, —	8

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Mr. Erskine to the Earl of Clarendon.—(Received May 26.)

My Lord,

Athens, May 16, 1870.

I HAVE the honour to state, with reference to your Lordship's telegram of the 11th instant, that Mr. Yates, the Scotch engineer of the "Afroëssa," has invariably shown the utmost readiness to give information with respect to the dreadful occurrences of which he was an eye-witness on the 21st April last, and that he has behaved throughout this sad affair with a manly straightforwardness which is highly creditable to him. He assisted in the removal of the bodies on board his vessel with the greatest care and tenderness, and subsequently communicated freely on the subject with Commander Prowse and myself; but on my suggesting that he might perhaps address me a detailed written statement as to all he had witnessed, he seemed to think that, as a subordinate officer in the service of the Hellenic Government, there would be objections to his taking upon himself to communicate in writing with Her Majesty's Legation without the sanction of his superiors.

I shall, however, show your Lordship's instructions to Mr. Cookson, who will, if he thinks fit, call upon the Procureur du Roi to examine and cross-examine Mr. Yates like any other person whose evidence may be of importance.

I have, &c.

(Signed) E. M. ERSKINE.

No. 2.

Mr. Erskine to the Earl of Clarendon.—(Received May 26.)

My Lord,

Athens, May 17, 1870.

I HAVE the honour to transmit to your Lordship herewith a copy of a despatch from the British Vice-Consul at Missolonghi giving a detailed account of the destruction by peasants of three desperate brigands, which I had already reported by telegraph.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 2.

Vice-Consul Blakeney to Mr. Erskine.

Sir,

Missolonghi, May 11, 1870.

IN conformity with Mr. Merlin's despatch, Her Majesty's Consul at the Piræus, of the 16th of February last, appointing me British Vice-Consul for the district of Ætolia and Acarnania to reside at Missolonghi, and giving me instructions to keep your Excellency fully informed in all matters of political or public interest, it is with great pleasure I have the honour to acquaint your Excellency of the destruction of three brigands on the evening of the 5th instant at Arakova, in the district of Kravara, by three brothers named Shermani and a servant of theirs.

The above-mentioned Shermani, who have been the instruments of the destruction of these brigands had, it seems, on former occasions befriended their victims, who on the day

on which this affair took place had gone over to the Shermanis' house to dine and enjoy themselves, little thinking that their destruction had been carefully planned.

The plan of the Shermani was the following :—

That the brigands should be shown into a looped-holed room, whilst two of the Shermanis and a servant should station themselves without the house, each before a loop-hole ; the fourth (one of the brothers), should remain with the brigands until their repast had been all but completed, when he should call for sweetmeats, which of course were never to come forward ; and as if angry with one of the servants for this unnecessary delay, get up and proceed to the kitchen, pretending he was going to bring them up himself ; in the meantime, those who were ready, gun in hand, and stationed as above stated, should pour a volley into the room, and shoot down the brigands.

The above plan partly succeeded ; the deadly volley was discharged, and three out of the four brigands were killed on the spot ; but the fourth effected an escape through one of the windows, and has not since been heard of.

This account has been confirmed by the Nomarch himself the day before yesterday, when I had the pleasure of receiving a call from him. He also informed me that he had given orders to have the heads of those brigands sent hither, so as to be exhibited outside the prison, which is situated close to the barracks.

The Nomarch also added that on the following day he was to proceed to Anina, a village on the frontier where he was to meet the Pasha of Epirus, in order that they might come to some understanding, so that the Turkish and Greek troops might co-operate against the brigands.

I think it my duty further to add that the Nomarch informed me verbally that the officers now stationed in Acarnania should never have been entrusted with the suppression of brigandage, as they do not side with the Government party, but unfortunately are the tools of individuals whose object is the maintenance of the present deplorable state of affairs.

The following are the names of the brigands who have been killed :—

Spathia, a most notorious brigand Chief, the terror of this town and surrounding village, and, as far as I can make out, has been a brigand for upwards of five year.

Kostandello, another brigand Chief, and has been such for about twenty years.

Thanasúla, said to be Kostandello's Lieutenant.

Should further news reach me on the subject I shall consider it my duty to inform your Excellency.

I have, &c.
(Signed) C. A. BLAKENEY.

No. 3.

Mr. Erskine to the Earl of Clarendon.—(Received May 26.)

(Extract.)

Athens, May 18, 1870.

THERE is no doubt that Costa Seljanni was present when the capture was effected, but he of course pretends to have been on the spot as a shepherd with his flock.

My impression at one time was that this man was perhaps a tool of the dragoman Alexander ; but Dionysio, whom I can thoroughly trust, assures me that whilst he was with the brigands at Keramides he was present at an angry discussion between Costa and Alexander, in which the former accused the latter of having caused his brother to be arrested and imprisoned for some act of brigandage. It is not likely, therefore, that these men can have been on such terms of intimacy as I had suspected.

I have shown both to the King and to M. Valaority your Lordship's telegram of the 11th instant, instructing me, if advisable, to require that the lives of any brigands may be spared on condition that they give information which may lead to the conviction of their abettors.

M. Valaority made no objection to the course suggested by your Lordship, and I cannot doubt that it would be acquiesced in by His Hellenic Majesty, if sufficient grounds can be shown for a pardon being granted to a particular brigand.

With respect to the statement contained in your Lordship's telegram of the 16th instant, namely, that Count Boyl's servant has confirmed the assertion of the guide Spiro as to his having warned Alexander to drive slowly, I would observe that the evidence of Count Boyl's servant on this point cannot be worth much, as he certainly does not under-

stand Greek. In fact, at the present moment it is chiefly a question between the credibility of Spiro and Alexander; neither of the coachmen, nor the corporal, nor the surviving gendarme, Athanasio Boulgaris, having corroborated Spiro's statements. It is true that there is the collateral evidence of a young peasant of Marathon, who recollects hearing Spiro, the same night or on the following day, deplore that the tourists had not attended to his injunction, but then it would be natural that the soldiers should invent such a story to screen themselves if accused of neglect of duty; and if Spiro really did repeat those injunctions three times, how came it that Mr. Herbert, who was in the same carriage as Alexander and understood Greek fairly, heard nothing of what passed, which he certainly did not, as can be testified by Lord Muncaster? There is, however, not the least idea of releasing Alexander, who is at this moment the person generally supposed to be most deeply implicated in this matter.

No. 4.

Mr. Erskine to the Earl of Clarendon.—(Received May 26.)

My Lord,

Athens, May 19, 1870.

ON the receipt of your Lordship's telegram of the 16th instant, directing me to ask the Hellenic Government to explain M. Avgerinos' silence to me as regards the presence of the brigands near Marathon, it became my duty (as I had already in vain attempted to obtain any satisfactory verbal explanation on the subject) to address the Government in writing.

I have accordingly the honour to transmit herewith a copy of the note which I addressed to M. Valaority on the 17th instant, pointing out that M. Avgerinos might have prevented the capture of the party which visited Marathon on the 11th ultimo, but omitted to do so.

I likewise transmit a copy of M. Valaority's reply, and of the accompanying letter from M. Avgerinos, both in Greek and French.

The whole purport of this letter is that M. Avgerinos did not know that a party of travellers had gone to Marathon until 8 o'clock in the evening, when he heard of their capture.

I have therefore addressed a second note to M. Valaority, of which a copy is also inclosed, asking whether and at what hour General Soutzo was informed that a band of brigands was in the neighbourhood of Marathon.

If General Soutzo, when questioned, should admit that he heard of the pleasure party to Marathon at 10 A.M., but not that the brigands had entered Attica, one can only deplore that the Minister of the Interior should not have deemed the circumstance of sufficient importance to be communicated to his colleague the Minister of War.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure 1 in No. 4.

Mr. Erskine to M. Valaority.

Sir,

Athens, May 17, 1870.

AMONGST the documents relating to the recent disastrous affair near Oropos which have been made public is a letter dated ^{March 30} April 11, addressed by M. Avgerinos, the Acting Minister of the Interior, to the Officer commanding the flying column in Attica. In this letter it is stated that "it is suspected that a portion of the band of brigands of the Arvanitéi is concealed between the positions of Plexiza, Ierotzikouri, Retzina, as far as Daou in the Demos of Marathon;" that is to say, the brigands are known or believed to be on the very spot at which my unfortunate countrymen were subsequently captured.

I have no certain information as to the exact hour at which M. Avgerinos first became aware of this grave intelligence, but I have good reason to suppose that he (and doubtless also his colleague the Minister of War) were acquainted with it early in the morning; and I may add that I have been assured, on trustworthy authority, that General Soutzo was likewise informed, at 10 A.M., that a party of strangers of distinction had gone with an escort to Marathon. It would, therefore, have been but natural that on ascertaining the imminent peril to which this party were about to be exposed, the Government would have made every effort in their power to avert it; that messengers would have been sent in all

directions to warn the military detachments; that every available soldier of this garrison whether on foot or on horseback, would have been dispatched to the assistance of the travellers; and that, if necessary, troops should have been conveyed to the scene of danger in carriages, which could easily have reached Pikermes in time to have rendered an attack by the brigands impossible.

As far as I know, nothing of all this was done.

On the 3rd instant, when I first learnt this inconceivable negligence on the part of those who were responsible for the safety of my countrymen, I waited upon you, Sir, and expressed to you in the presence of the Prime Minister the pain and astonishment with which I had read the letter of M. Avgerinos; but I regret to say that no satisfactory explanation was then given me as to his conduct in the matter, nor have I since heard anything from you which can at all modify my original impression.

I have now been directed by Her Majesty's Government to call your attention to the facts which I have already enumerated, and to inquire officially why M. Avgerinos omitted to take any of the steps so obviously necessary to prevent the capture of my countrymen.

I avail, &c.
(Signed) E. M. ERSKINE.

Inclosure 2 in No. 4.

M. Valaority to Mr. Erskine.

M. le Ministre,

Athènes, le $\frac{6}{18}$ Mai, 1870.

J'AI eu l'honneur de recevoir l'office que vous m'avez adressé hier pour me demander, d'ordre de votre Gouvernement, pour quelles raisons M. Avierinos, bien que d'après sa lettre au Commandant de la Colonne Mobile d'Attique en date du ~~30~~ il eut des soupçons qu'une fraction de la bande des Arvanitis était allée se cacher dans la commune de Marathon entre Plexiza, Ierotzicouli, Retzina, jusqu'à Daou, avait omis de prendre de mesures propres à prévenir l'arrestation de vos compatriotes.

Je m'empresse de vous transmettre ci-joint, copie et traduction de la lettre que M. Avierinos m'a écrite en réponse.

Vous voudrez bien y relever que, le ^{30 Mars}_{12 April} vers midi, M. Valavani, Chef de Section, présenta à la signature de M. Avierinos une dépêche adressée au Commandant de la Colonne Mobile d'Attique, par laquelle celui-ci était prévenu qu'on soupçonnait qu'une fraction de la bande des Arvanitis était allée se cacher entre les positions de Plexiza, Ierotzicouli et Retzina, jusqu'à Daou et la commune de Marathon. Cette dépêche, rédigée d'après les informations que venait de fournir en ce moment même à M. Valavani le Capitaine Canellos, fut signée immédiatement par M. Avierinos, et elle a été expédiée comme d'habitude par le canal du chef de la brigade de gendarmerie d'Attique. Mais M. Avierinos affirme n'avoir reçu, ni par écrit, ni de vive voix, aucune information se rapportant à quelque excursion d'étrangers à Marathon ou ailleurs. Ce n'est qu'à 8 heures du soir que le Directeur de la Police lui donna, en présence de plusieurs autres personnes, la triste nouvelle de l'arrestation de ces malheureux étrangers et qu'il apprit que d'étrangers de distinction étaient allés faire une excursion.

Agréez, &c.
(Signé) S. VALAORITY.

Inclosure 3 in No. 4.

M. Avierinos to M. Valaority.

(Traduction.)

M. mon Collègue,

Athènes, le $\frac{6}{18}$ Mai, 1870.

AYANT pris connaissance de la lettre de Mr. Erskine en date d'hier, je vous fais connaître, M. mon Collègue, au sujet du triste événement qui a eu lieu à Dilessi, que le 30 du mois passé vers midi, pendant que j'étais chargée de l'interim du Ministre de l'Intérieur, M. Valavani, Chef de Section, m'avait soumise une dépêche adressée au Commandant de la Colonne Mobile d'Attique, par laquelle celui-ci était informé qu'on soupçonnait qu'une fraction de la bande des Arvanitis était allée se cacher entre les positions Plexiza, Ierotzicouli, Retzina, jusqu'à Daou de la Commune de Marathon. Cette dépêche, rédigée d'après les informations que venait de fournir en ce moment même à

* This is an error, the real date was ^{30 March}_{11 April}.—E. M. E.

M. Valavani le Capitaine M. Canellos, a été signée immédiatement et expédiée, comme d'habitude, par l'intermédiaire du Commandant de la brigade de gendarmerie d'Attique ; mais je n'ai reçu de personne, ni par écrit, ni de vive voix, aucune information se rapportant à quelque excursion d'étrangers à Marathon ou ailleurs. Le soir du même jour, vers 8 heures, M. le Directeur de la Police étant venu chez moi m'a donné, en présence de plusieurs autres personnes, la triste nouvelle de l'arrestation des malheureux étrangers. C'est alors que j'ai appris que des étrangers de distinction étaient allés faire une excursion.

Je suis, &c.

(Signé) A. AVIERINOS.

Inclosure 4 in No. 4.

Mr. Erskine to M. Valaority.

Sir,

Athens, May 19, 1870.

WITH reference to your note to me of yesterday's date, inclosing copy of a letter from M. Avierinos, stating that he was not aware until the evening of the 11th of April last that a party of foreigners had gone on a pleasure trip to Marathon, I venture to inquire whether, and at what hour on that day, M. Avierinos, in his capacity of Acting Minister of the Interior, communicated to his colleague, the Minister of War, the intelligence that a band of brigands was lurking in the neighbourhood of Daou ?

I have reason to believe that General Soutzo was informed, at or before 10 A.M., that the party in question had gone to Marathon with a weak military escort, and it appears inconceivable that, on being apprised by the Minister of the Interior that a band of brigands was in the vicinity, he should have taken no step to insure the safety of the travellers.

I may take this opportunity of pointing out that the capture of my countrymen took place on Monday, the ^{30th March} ^{11th April}, and not, as erroneously stated in the note which I am answering, on the ^{30th March} ^{12th April}.

I avail, &c.

(Signed) E. M. ERSKINE.

No. 5.

Mr. Erskine to the Earl of Clarendon.—(Received May 26.)

My Lord,

Athens, May 19, 1870.

IN the printed copy laid before Parliament of the drawing from the Admiralty Chart, by means of which I had attempted to give your Lordship an idea of the scene of the late disastrous occurrence near Sykamenon, I have noticed an error which completely confuses the description given by the dragoman.

The error is this : on the Admiralty Chart Sykamenon is marked as a group of houses close to the river, the word Sykamenon, or rather Sykami, being printed at some little distance from the actual spot on which the village stands.

To show the place at which Alexander states that he first fell in with the troops (who were on the opposite side of the river), and which he thought was distant about twenty minutes from Sykamenon, where he had left the band, I made a round mark with a red pencil.

In the printed map this round mark is given without anything to denote where the village of Sykamenon stands, and it is absolutely essential that this error should be corrected if the map is to be of the least use. On comparing it with the Admiralty Chart, I think that any person accustomed to such subjects would understand what I mean.

I have, &c.

(Signed) E. M. ERSKINE.

Mr. Erskine to the Earl of Clarendon.—(Received May 26.)

My Lord,

Athens, May 19, 1870.

WITH reference to the first paragraph of my despatch to your Lordship of April 16,* in which I communicated what had passed between the brigands and the agents sent to them by M. Zaïmis, I have the honour to transmit a correspondence which has taken place between five gentlemen representing the Athenian Bar and myself, having regard to the assertion that the brigands had held communication with three advocates of standing in Athens.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure 1 in No. 6.

MM. Saripolos, Axelos, and others to Mr. Erskine.

M. le Ministre,

Athènes, le $\frac{4}{16}$ Mai, 1870.

LA nouvelle contenue dans les journaux étrangers que les brigands de Pikermi auraient déclaré aux Envoyés du Gouvernement Hellénique qu'avant de lui répondre ils avaient jugé à propos de consulter trois avocats d'Athènes a douloureusement affecté notre Barreau. Nos confrères ont pensé que leur honneur et l'intérêt national leur imposaient le devoir de protester contre une imputation aussi grave qu'inexacte et nous en ont confié la mission. Pour remplir notre mandat nous avons rédigé l'écrit du 26 Avril dernier, mais avons de plus cru convenable d'écrire à M. Zaïmis, Président du Conseil des Ministres, une lettre en date du 29 Avril, à laquelle il nous a répondu le lendemain par une lettre qui nous a pleinement satisfaits, parcequ'elle affirme que les trois citoyens dont les brigands avaient désiré les avis n'étaient pas avocats.

Pensant, M. le Ministre, qu'il est de notre devoir de donner à votre Excellence connaissance des trois pièces ci-dessus, nous avons l'honneur de vous en adresser ci-inclus la traduction.

La loyauté, qui est l'un des traits les plus caractéristiques de la nation Anglaise, et la haute estime que votre Excellence s'est acquise parmi nous, nous sont de surs garants que nous ne nous serons pas adressés inutilement à votre Excellence.

Veuillez, &c.

(Signé) N. J. SARIPOLOS.
CONSTANTIN AXELOS.
N. DAMASCHINOS.
C. D. ELIPOULOS.
A. BALLANOS.

Inclosure 2 in No. 6.

MM. Saripolos, Axelos, and others to M. Zaïmis.

(Traduction.)

M. le Président,

Athènes, le 29 Avril, 1870.

LA presse étrangère et d'après elle la nôtre assure que le Ministre Plénipotentiaire de Sa Majesté Britannique, Mr. Erskine, dans une dépêche de $\frac{4}{16}$ Avril dernier adressée au Ministre des Affaires Etrangères, Lord Clarendon, contient entre autres choses ce qui suit :—" Les brigands ont dit aux Envoyés de M. Zaïmis qu'ils avaient toute confiance dans leurs conseillers, mais qu'ils avaient envoyé à Athènes consulter trois avocats en renom et ne prendraient aucune décision avant de recevoir l'avis de ces derniers."

Un grand nombre d'avocats nous a, par écrit, donné le mandat de démentir cette accusation. Nous l'avons fait, M. le Président, par la pièce dont nous vous adressons ci-inclus un exemplaire imprimé.

Nous pensons toutefois que cette réfutation serait insuffisante si nous ne vous demandions pas quelques explications que nous espérons recevoir de vous.

Les paroles ci-dessus de Mr. Erskine pourraient vous être attribuées, M. le Président.

Croire que le Chef du Gouvernement de la Grèce, qui, quoique n'exerçant pas la profession d'avocat, appartient cependant à leur ordre depuis tout un quart de siècle, et entretient constamment avec eux des relations, ait méconnu le caractère des avocats

* See "Greece, No. 2," page 1.

d'Athènes au point que si, par hasard, il avait entendu quelque chose de pareil de l'une des personnes par lui envoyés aux brigands, il l'ait accepté comme vrai sans examen et l'ait communiqué au Représentant d'une nation étrangère, sachant bien que celui-ci se serait empressé de le transmettre à son Ministre ?

Nous avons de la peine à le croire. Aussi avons-nous jugé bon de nous renseigner auprès de vous à ce sujet ; car il s'agit de l'honneur de nos mandants et de nous-mêmes, et de l'honneur national tout à la fois.

Nous espérons, M. le Président, que vous voudrez bien nous honorer d'une prompte réponse.

(Signé)

N. J. SARIPOLOS.
CONSTANTIN AXELOS.
N. DAMASCHINOS.
A. BALLANOS.
E. D. ELIOPOULOS.

Inclosure 3 in No. 6.

MM. Saripolos, Axelos, and others to the Editor of the "Journal des Débats."

M. le Rédacteur,

Athènes, le ^{26 Avril}_{8 Mai}, 1870.

LES Soussignés ont reçu de leurs confrères MM. [suivent les noms des avocats] le mandat écrit de démentir la nouvelle contenue dans la presse étrangère et reproduite dans leur presse nationale, qu'un document officiel adressé par l'Honorable Ministre de Sa Majesté Britannique à Athènes au Ministère des Affaires Etrangères, Lord Clarendon, contiendrait la phrase suivante :—"Que par surcroit de précautions les brigands avaient jugé à propos de consulter trois avocats en renom d'Athènes, et qu'ils ne prendraient aucune décision avant de connaître la réponse de ces derniers."

Une telle conduite, si elle était vraie, aurait imprimé un stigmate éternel sur le front d'avocats ayant l'honneur d'exercer leur profession depuis longues années. Fidèles à notre serment, nous accordons bien avec empressement l'assistance de notre ministère à ceux qui souffrent et aux accusés qui l'invoquent, parceque dans toute société civilisée la loi garantissant à l'accusé la libre défense comme un droit sacré l'impose à l'avocat comme un devoir honorable ; mais nous repoussons de toutes nos forces l'accusation dont il s'agit, et nous affirmons sur l'honneur de nous tous que, jamais l'un de nous n'a prêté le concours de ses connaissances pour aider à la perpétration d'une action coupable, ou pour soustraire astucieusement son auteur à la poursuite légale.

L'épouvantable crime commis à Pikermi porte un caractère tellement horrible que, comme Hellènes, et déjà rien qu'en notre qualité d'Hellènes, nous le considérons comme une profanation pour le sol de notre patrie, hospitalier depuis le temps les plus réculés, et nous en portons le deuil avec tous nos concitoyens. Mais nous regarderions comme traître à la patrie celui d'entre nous qui, même de loin et indirectement, serait entré en rapport quelconque avec de tels misérables pendant qu'ils exposaient notre patrie à la réprobation universelle.

(Signé)

N. J. SARIPOLOS.
E. D. ELIOPOULOS.
A. BALLANOS.
N. DAMASCHINOS.
CONSTANTIN AXELOS.

Inclosure 4 in No. 6.

M. Zaïmis to MM. Saripolos, Axelos, and others.

(Traduction.)

Messieurs,

Athènes, le 31 Avril, 1870.

J'AI reçu votre lettre du 29 Avril. En réponse j'ai l'honneur de vous faire connaître que le renseignement que les brigands ont demandé de consulter trois avocats d'Athènes, renseignement contenu, suivant le numéro du "Journal des Débats" du $\frac{1}{30}$ Avril, dans une dépêche du Ministre de Sa Majesté Britannique à Athènes, n'a pas été donné par moi. Voici, je suppose, ce qui a donné naissance à ce renseignement inexact. Lorsque les personnes envoyées par le Gouvernement pour persuader les brigands de ne pas insister sur l'amnistie revinrent, ils nous dirent qu'ils avaient été chargés par le misérable Arvanitaki de demander, sur la question si le Gouvernement pouvait

accorder l'amnistie, l'avis de trois citoyens demeurant à Athènes, dont ils connaissent les noms de réputation, et qui ne sont pas avocats. Tandisque j'indiquais à Mr. Erskine les noms de deux d'entre eux, le Ministre des Affaires Étrangères dit ce qui suit :—"Vous voyez, M. le Ministre, que les brigands ont besoin de conseils juridiques pour croire nos dires." En effet l'un de ces citoyens, au su du Gouvernement et après s'être entendu avec lui, a écrit à Takos une lettre par laquelle il assurait que le Gouvernement n'avait pas le droit d'accorder l'amnistie. En terminant je vous fais observer que vous auriez dû être persuadés qu'aucun membre du Gouvernement ne pouvait jeter le moindre blâme sur le corps des avocats d'ici, qui honore notre patrie par ses lumières et par son indépendance.

(Signé) TH. A. ZAIMIS.

Inclosure 5 in No. 6.

Mr. Erskine to MM. Saripolos, Axelos, and others.

Messieurs,

Athènes, le ⁶/₈ Mai, 1870.

C'EST aujourd'hui seulement que j'ai eu l'honneur de recevoir votre lettre en date du ⁴/₈ de ce mois, que je m'empresserai de communiquer à mon Gouvernement.

Permettez-moi, d'abord, Messieurs, de vous assurer que je n'ai point accueilli légèrement la pensée que des avocats appartenant au Barreau d'Athènes, dont plusieurs me sont personnellement connus et dont j'apprécie hautement les qualités distinguées, aient pu devenir les instruments coupables d'un Chef de brigands.

En narrateur fidèle de ce qui se passait autour de moi, j'ai cru devoir entretenir mon Gouvernement de ce que m'avait été dit par M. le Président du Conseil.

Si plus tard il y a eu divergence entre ses souvenirs et les miens je ne saurais assez regretter que l'équivoque qui a eu lieu ait pu blesser momentanément la juste susceptibilité du Barreau d'Athènes.

Veuillez, &c.
(Signé) E. M. ERSKINE.

No. 7.

Mr. Erskine to the Earl of Clarendon.—(Received May 26.)

My Lord,

Athens, May 19, 1870.

WITH reference to my despatch of the 5th instant, in which I reported the resignation of General Soutzo, as Minister of War, I have the honour to inclose a statement which was published by the Ministry of War (and which appeared in the "Indépendance Hellénique" of the 14th instant), in explanation of the measures that were taken by that Department for the protection of the public against the band of the Arvanitéi.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 7.

Extract from the "Indépendance Hellénique" of May 14, 1870.

[See "Greece No. 11," page 9.]

GRECE, No. 12 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1870.*

LONDON :

PRINTED BY HARRISON AND SONS.

837
GREECE. No. 13 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—128.] Price 1½d.

LIST OF PAPERS.

No.		Page
1.	Mr. Frank Noel to Mr. Edward Noel	May 16, 1870 1
2.	Sir A. Paget to the Earl of Clarendon	May 25, — 2
	One Inclosure.	
3.	Mr. Erskine to the Earl of Clarendon	May 21, — 7
	One Inclosure.	
4.	Mr. Erskine to the Earl of Clarendon	May 21, — 8

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Mr. Frank Noel to Mr. Edward Noel.

(Extract.)

Achnutaga, May $\frac{4}{16}$, 1870.

I WILL now try and give you a full account of all that took place from the day I left Chalcis for Oropos up to the time I left on Thursday morning.

It appears that at the instigation of Soutzos, then Minister of War, Mr. Erskine wrote out a telegram to be forwarded to me through the Nomarch of Chalcis on the second or third day of the captivity, knowing that two of the brothers of the Chiefs were in my service, and the other three brothers somewhere near Achnutaga. M. Soutzos took charge of the telegram, which for some reason or other was never sent. On Saturday the $\frac{4}{16}$ th April, I went to Chalcis for business, and there heard of the brigands being at Oropos. On Tuesday the 19th following, I received a telegram from Mr. Erskine asking me to send my man to Oropos with letters from me and the Nomarch to M. Théagénis, who had been sent from Athens by the Government to treat for the release of the captives. Knowing that there was no earthly use in sending my man with letters, I made up my mind to go myself, and telegraphed accordingly to Mr. Erskine; taking one of the brothers Panagiati and Stavros with me, I left immediately, as soon as I could get a boat. We arrived at the Scala of Oropos (the small village we remained in a few hours on our way to Athens in the year 1855-56, if you remember) about 7 o'clock: as it was beginning to rain we took shelter in a small village inn; there we were told that the brigands, together with the English gentlemen, had left only two hours previously for Oropos, about four miles inland. I was also informed of the arrival of M. Théagénis at another village about six miles in the opposite direction, called Marcopoulos. I immediately wrote him a note informing him of my arrival, and expressing my desire to see him previous to his having an interview with the brigands. At the same time I sent the brother of the chief brigands to Oropos with a note to Mr. Herbert. About 11 o'clock at night, during a heavy fall of rain, one of the brigand chiefs, Christos, with four followers, came down to escort me to Oropos. As the rain still continued, and the brigands did not feel inclined to leave, we remained the rest of the night in the small inn. During the night I asked Christos, who slept in the same room, many questions in reference to the captives.

Early next morning, about 4 o'clock, Christos ordered nine horses to be procured, which order was immediately executed, as you may well imagine, and we left for Oropos, M. Théagénis not yet having arrived. We reached Oropos at about 5 o'clock, and found the English gentlemen still asleep. Of course you can imagine how glad they were to see me. Mr. Herbert and Mr. Lloyd I was acquainted with previously; Mr. Vyner and Boyd I saw for the first time. I was introduced to Takos, who greeted me cordially. After receiving the usual hospitalities I was left to converse freely with the captives. About 8 o'clock M. Théagénis arrived, and after delivering the letter with which he was charged he went into a private room with the two Chiefs. As Takos desired me to be present I accompanied them. Théagénis then read the orders he had received from the Government, which I need not report, as they will of course be published in the papers. When he read the clause which referred to the brigands remaining at Oropos until the conclusion of the terms, otherwise the Government could not guarantee their not being attacked, the brigands became exasperated. Takos produced Mr. Erskine's letter and asked me to read it aloud. As far as I can remember it was to the following effect:—

"The English and Italian Ministers have received your communication.

"There will be no difficulty as to the payment of the money, but you must not insist

on an amnesty, which Government have not the power to grant. Persons will be sent to treat with you, and in the meantime both the King and the President of the Council have assured the English Minister that you shall not be molested. Make your prisoners as comfortable as you can. You can even put them under cover in some rural habitation without any fear.*

Then turning to me he said, "How can you ask me to place faith in the Greek Government? One day they promise one thing and the other another; do you think we would have come into the village of Oropos had it not been for the promise given us by the Ambassador?" Then turning to Théagénis he said, "As long as I have this promise, and the captives in my power, you won't dare to attack us. We will leave Oropos directly, and if you like give orders for us to be attacked. We shall murder the prisoners." Théagénis seeing that his situation was not a very good one, tried to explain the clause differently. Shortly afterwards he left, after remaining with the brigands about an hour. Before leaving I asked what the Government intended doing, on which he answered, "We have other means."

I remained at Oropos the whole of Wednesday, and left at 8 o'clock on Thursday morning—the day of the catastrophe. I persuaded the brigands that it was impossible to obtain an amnesty, and that trial by default was, I feared, not possible. They said privately to me, If we cannot obtain what we have demanded, we will accept the terms you offer, namely, to receive the ransom and leave the country. I asked them, "Would you trust to embark on an English man-of-war?" They said, "We will trust to leave in an English man-of-war, but not in a Greek steamer."

I arrived at the Scala of Oropos about 9 o'clock, and on going on board a small Greek steamer that was lying there, I was told by the Captain that the brigands were to be surrounded by the troops, and attacked if they attempted to leave Oropos. I told the Captain if the Government had given such orders the lives of the captives were at an end. I wrote a note to M. Théagénis informing him of the intention of the brigands to leave Oropos for Sykamenos, a small village about one and a-half to two miles from Oropos, that night, and if his intention was to save the lives of the captives, he must withdraw the troops and do everything to prevent a collision. It appears, however, the Government, for reasons unknown, had decided on the attack.

Accordingly when Takos, with his followers, reached Sykamenos, and were about to prepare for the night, he observed a detachment of troops not far from the village. He sent the dragoman with Mr. Erskine's letter to the troops, but the dragoman never returned, so the brigands decided on leaving. Accordingly they left, and shortly came into contact with another detachment. The soldiers fired from a distance, killing two brigands. The brigands then began to murder the captives. The result you are acquainted with.

I returned to Chalcis about half-past 1, and telegraphed to Mr. Erskine to insist on the withdrawal of the troops, and informing him that the brigands had promised to come to an understanding. About 4 o'clock I received an answer, saying that the Government had consented not to attack the brigands at Sykamenos, and asking me to return to treat with them for their embarkment on board an English man-of-war. As there was a heavy sea I could not find a boat that evening, so I was obliged to put off my return till next morning. Of course all this was too late, the tragedy had already been completed.

I am not able in this small space to give you all the particulars, but from what I have written you will be able to form a good idea. I will write to you again by next post. It is a most melancholy affair, and one cannot help being disgusted at the horrible mismanagement.

No. 2.

Sir A. Paget to the Earl of Clarendon.—(Received May 28.)

My Lord,

Florence, May 25, 1870.

I HAVE the honour to inclose herewith a translation of the deposition of Domenico Roella, servant of the late Count Boyl, taken in my presence on the 18th instant.

This deposition must not be understood as being in the words of the witness. The method adopted for obtaining his evidence was as follows:—

The witness was asked certain questions, and from his answers the deposition was dictated by the "Juge d'Instruction" and written down by the Clerk, the "Juge d'Instruction" inquiring occasionally of the witness, as the dictation proceeded, whether it was correct.

* See "Greece No. 1," Inclosure 2 in No. 4.

At the termination of the examination the witness signed the several sheets of paper on which the evidence was written down.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 2.

Examination of Domenico Roella.

(Translation.)

IN the year 1870, on the 18th day of May, at 10 in the morning, there appeared before us, Advocate Clodereo Marabotti, Juge d'Instruction, Advocate Andrea Armanni, Substitute of the King's Procurator, and Giuseppe Moretti, Clerk at the Court of Instruction at Florence, the witness Domenico Roella, who being warned of his obligation to speak the whole truth and nothing but the truth, and of the penalties against false or reticent witnesses, as contained in Article 172 of the Code of Penal Procedure, and being interrogated according to the terms of that Article :

Answers: I am Domenico Roella, son of the late Felix, 28 years of age, born at Monesiglio (Mondori), a bachelor, a servant by profession, and lastly in the service of Count Albert Boyl.

Questioned—

Answers: I had been about four years and three months in the Count's service at the time of his capture.

Requested to repeat all the circumstances of the capture—

Answers: The excursion which my master made from Athens to Marathon took place on the 11th April of this year. We started from Athens at a quarter-past 5 in the morning: a little previous to this hour my master went with me to breakfast at the Hotel d'Angleterre, where the other gentlemen who were to make the excursion were staying; these were Lord and Lady Muncaster and Mr. Vyner, a cousin of Lord Muncaster, Mr. Lloyd and his wife, and a daughter aged 5 or 6, but I do not know the names of the latter two. There was also the Secretary of the English Legation, Mr. Herbert, but I am likewise ignorant of his Christian names. Two carriages came to the hotel for the party, which was joined by myself and by a certain Alexander, a Greek attached to the hotel, and used as interpreter by Lord Muncaster.

In one of the carriages there were my master, Mr. and Mrs. Lloyd and their child, myself and the coachman; the rest of the party went in the other carriage together with Alexander, who thus remained in the same carriage as Lord Muncaster.

I don't know who the drivers of the two carriages, each of which had two horses, were, though I know them by sight. I sat beside the driver, outside the carriage, therefore the carriage in which my master was went first.

Before our departure I heard from Alexander that he had engaged the carriages, and I think, though I am not certain, that he had orders to do so from Lord Muncaster.

I think the two carriages were *voitures de place*, but I do not know whether the proprietors, or men in their service, drove them. And here I must observe that, as my master hired his carriages of a certain Maltese, Nicola, I asked Alexander why he had not got the carriages from him, and he answered that Nicola's horses were not good enough for the roads which we had to traverse, and which I, in fact, found to be bad. The carriages proceeded together, one close on the other. Shortly previous to leaving the city, or when just outside it, we found four mounted gendarmes, who escorted us; two before the first carriage, and two behind the second.

I knew already from my master that we were to be accompanied by an escort, because in speaking of the excursion I told him he should not go, as there were brigands. I had heard my master himself speak of them; there were rumours of them in the town, too; but it was said that they were a long way off, whilst our excursion was to no distant point; and this is so true, that having started at the above-mentioned hour, we arrived at Marathon at about half-past 11, notwithstanding the loss of half an-hour at a short distance from Marathon for watering the horses. There were no houses at this spot, and I do not know its name; and to get at the water in the well there, some shepherds who were looking after their goats, and especially a boy, were asked to bring a bucket; he went to fetch it, and apparently to some distance, for he did not return for more than a quarter of an hour. The shepherds consisted of three or four lads and an old man, who obliged the boy to do the service demanded of him. The bucket he brought was of copper, and daubed with soot, from which I inferred that it was brought from a house, though none was visible from the place. The horses were taken out of the carriages to be watered,

and the party got out, without, however, going any distance away. I likewise remained near, because my master being in want of something, I stood near the place to which he had gone, to prevent others going there too.

Alexander remained likewise on the spot, and did not go near either the lads or the old shepherd.

I saw no one else there: on one side of the place there was a plain, impracticable, because inundated about a metre deep; and on the other side, after a small bit of plain, the mountains with their sparse trees commenced.

During our stoppage at this place, Alexander had a dispute with the gendarmes, who asked him if he had brought them anything to eat; he answered in the negative, saying that he had no orders from the master of the hotel on this point.

Before the carriages left this place, Lord Muncaster and Mr. Lloyd went off on foot, and were rejoined by the carriages in about a quarter-of-an-hour; they had found a large tortoise, which they brought in the carriage as far as Marathon. Here all got out of the carriages to eat, whilst the drivers left the horses to graze; there being no houses, the carriages were left in the open air.

In this place, at a short distance from us, there were several persons, men and women, who were digging about the vines in a field. Amongst them was a tall robust young man, who had a dog, who accosted Alexander, and the latter called him by name (Spiro, or Cristo, or Dimitri, I think), I heard him ask the young man for a knife to open a box of sardines with, and he got it. Alexander knew him, because he had often been at Marathon. I told Alexander to give the young man something to eat, as he might be in want of it, and he gave him something after the party had dined. I never left Alexander, and though he spoke in Greek with the young man, his words were few and of no importance; for I understand Greek a little. This youth remained with us until our departure: he then saluted us and returned to the field where the other peasants were working.

Before I forget it, I must state that my master, when we were half-way between Athens and Marathon, asked Alexander if there was another road for returning from Marathon to Athens, and that Alexander answered, "There is another, but it is bad and impracticable." I don't know if this was true.

Questioned—

Answers: From Athens to Marathon the four gendarmes were the only escort of the carriages; no Infantry was on the road and none was seen.

We had just left Marathon and proceeded for ten minutes when, though the carriage in which I was was then the second one, I perceived a number of persons in hoods, and I asked my master who they were; he answered, "Our escort." I then asked why they had not come sooner, and my master told me they had come on before us and would have warned us if they had met any one. My master said to Mr. Lloyd, "Let us give these people something," and gave the officer a note of 25 drachmas, I think; and as I understood the interpreter Alexander, it was he who called the officer by name, saying to him, "Spiro, take what these gentlemen give you, and go and drink to their health."

Meanwhile we arrived at the well I have mentioned above, where the horses were again taken out to be watered. The shepherds being no longer there the water was taken first in the bottles and then in a leather cup, which the soldiers found near a tree. We remained here about half-an-hour and then got into our carriages again (ours being the second), but had not gone far when either Alexander or the driver of the carriage before us, I don't know which, said, "Let me go first, as I know the road better," or, "Let him go first, as he knows the road better," for I am not certain whether the words were said by Alexander or by the driver of our carriage. The first carriage then made way for us, and ours became the first.

Questioned—

Answered: Also in the second departure from the well, the gendarmes were two in the front, and two behind, close to the carriages; the infantry soldiers divided, however. A part, as soon as they had drank, went towards Athens, the other part remained where they were, and afterwards followed the carriages. When the carriages left the well, the soldiers who had started first were no longer in sight. I must say, however, that at the moment when the carriage in which I was passed by the other, as I have already explained, I heard that the foot soldiers who remained behind spoke some words to Alexander, which I did not understand, and said also something to the gendarmes, which I also did not hear, because there was a distance of at least twenty paces between my carriage and the other.

On the return home, the carriages went sometimes fast, sometimes slow, according as the road rose or fell.

After about half-an-hour's drive, the carriages passed the soldiers who had left the

well first ; and it was then that they all were behind us. After about an hour and a quarter's drive, and when the foot soldiers were out of sight, hidden by a bend in the road and by the numerous trees which were growing there—I had, however, seen these soldiers about twenty minutes before—we had arrived at a spot where along the road were thick but low trees, a discharge of three or four firearms was heard, which, I imagine, were fired in the air, because no one was wounded. I at once cried out to my master, who was asleep, that the brigands were there, and as we could see nothing, somebody answered, "It is the soldiers, who are larking." Almost at the same moment, however, three individuals first presented themselves with their muskets turned towards the carriages, and afterwards others behind them, upon the appearance of whom the two first gendarmes fired without hitting anybody, the other two gendarmes came up, but at the same time the first two fell to the ground wounded, and one of their horses also fell. I do not think that the two who came up fired at all. We were soon all surrounded by the brigands, who were about fifteen in number ; the others—for I noticed afterwards there were twenty-one—were a short distance off. Then there was great confusion. We were all obliged to get out of the carriages, and I saw that the coachmen also got down, but I cannot say whether they were told to do so by the brigands. We were all made to go among the trees of the wood, the brigands crying out, "Dragomanno, dragomanno masi," which means, "Come with us." They made even the other two gendarmes get off their horses ; and hardly had we got into the wood when they cried out anxiously, "Quick, forward, forward."

After about ten minutes' journey in the wood we heard various gun-shots fired in our direction, which I supposed to have been fired by the soldiers of the escort, for at the moment I was going into the wood I saw three soldiers appearing at a distance of forty paces in the direction of the carriages, but behind them—I suppose that these three soldiers were, perhaps, alone at that moment, having walked faster than the others. On hearing these shots, which lasted about five minutes, the brigands made us stoop down to the ground and all crouching in order not to be struck by the bullets which were whistling around. In the midst of these discharges Alexander cried out, "Do not fire, for you are wounding the foreigners," and the same was repeated by some of the brigands. However while walking on, the brigands also were firing on the soldiers. As to the gendarmes who had fallen I knew nothing more till the same evening—I mean to say, when on arriving at Athens I learnt that one of the gendarmes was dead, and that the other had but a few more hours to live. I learnt that these two wounded gendarmes had been brought back to Athens by the carriage and the driver who had taken Lord Muncaster. I knew nothing either of the driver of our carriage until the same evening, as I will afterwards explain.

As soon as the firing was over, the brigands made us walk for two hours in the mountains ; the ladies were put on two horses ; on the third was still the gendarme ; the little girl was carried sometimes by her father, sometimes by me, and afterwards on horse-back with her father, who took the horse of the carabinier. After two hours we stopped at a meadow where there was a small stone house, and I do not think the door was on our side, and another hut made of branches near it. In the hut were two persons dressed in white cloth who appeared to be shepherds, and a large black dog who barked loudly, being perhaps tied. The two persons in the hut did not move. Two of the brigands went to the stone house, going round to the opposite side from us, and came back carrying a skin of a kid full of water, and some fresh cheeses, which they hid in a leather bag. They gave everybody to drink out of a tin cup, and in a chalice-shaped glass which they had taken from our baskets.

After a short time we moved off, and were made to walk for another hour and a-half ; we were made to cross a small stream, we then passed an arid and stony mountain : from here the brigands looked about through their telescopes and said, "Now we are safe." On the top of this mountain we found a plateau without a hut or anything, and here everybody sat down ; then the brigands commenced robbing the foreigners, beginning by taking from my master a purse, in which he told me he did not know whether he had 200 or 300 drachmas and a double napoleon in gold. The purse was of Russia leather with his arms. From my finger they took two gold rings, one of them with a stone worth 70 francs, the other was a small hoop and was given me back. They made the my lady take off her gloves, I know she had rings, but I do not know whether they were taken from her ; they took, however, from her a necklace and some other articles. I may add that my rings passed through the hands of all the brigands and then came back to the one who had taken them from me, and who kept them, saying that he would take them to his woman. I was able to save my master's gold watch which he had entrusted to me.

During the halt made at this point I heard the brigands asking Alexander who were the persons captured, and I understood that he pointed me out as the servant of the Secretary of the Italian Legation, but more than that I did not hear.

I heard Mr. Herbert and the lawyer Lloyd speaking in Greek to the brigands; it appears they were asking them to set free the women and the girl, and they asked that I should be sent to accompany them; in fact, they let me go along with the ladies, the girl, and the two gendarmes, and we had the horses. I had no letter nor commission whatever, and we started without even knowing the road. At last we reached the high road, and, with the help of information collected from the passers by, we went towards Athens. After about an hour we found the carriage and the driver who had brought my master. From him we learnt that the other driver had taken back to Athens the wounded gendarmes; he said that he had stopped there and that he waited till 11 P.M. the arrival of the women, for he knew that the brigands were not in the habit of keeping them when they held other people to answer for the ransom. With the carriage which we had thus found we arrived at Athens about 11 o'clock. Immediately the ladies went to the house of the English Minister, and I went to that of the Italian, and I think the valet told me that he had already heard of the adventure.

On the 13th Lord Muncaster appeared in Athens, sent by the brigands to provide the ransom of the captives and to send them food and clothing. I was commissioned to convey the clothing under the escort of him whom the brigands had sent to accompany Lord Muncaster. I left immediately and arrived at the place at 9 o'clock in the evening. I then learnt from my master that the brigands had asked 25,000*l.* sterling as the ransom, and the amnesty; that the head of the brigands would have contented himself with the amnesty only, but that the others required both the one and the other. I had heard it said that the brigands in the first instance demanded 50,000*l.* sterling without speaking of the amnesty.

On the morning of Thursday I again left, and never again saw my master, whom I found discouraged and who said that what the brigands demanded could not be given, and that if they did not obtain it, it was all over with him, and if, as the brigands said, by the 19th they had not obtained what they demanded, they would cut off the heads of all. Whilst I was there Alexander told me that they had allowed Lord Muncaster to go away because they had already in their power his cousin Vyner, and that it was Alexander who had advised the brigands to let Lord Muncaster, who could make the arrangements better than the others, go. He told me besides that the brigands had determined that if Lord Muncaster did not return they would cut off the head of him (Alexander) and of Mr. Vyner. I must state that when I returned to the brigands they were no longer at the place where I had left them, but on the top of a mountain which rises up behind the Piræus. There was a hut at the place with some shepherds. There were all the same brigands, and four of them were on the watch.

Questioned—

Answered: I must conscientiously say that I never perceived that Alexander had any connivance with the brigands; that, on the contrary, he did all that he could at the luncheon which was made at Marathon to preserve the bread and whatever else remained, to take it to his family in the evening.

Neither of the coachmen can I say anything which appeared to me suspicious of connivance with the brigands.

Questioned—

Answered: At our capture Alexander took no more trouble about the remnants of food, but left them in the carriage, as he left his cloak, which he prized much.

Properly questioned—

Answered: My master, two or three days before the trip to Marathon, had spoken to me of this project, and that they were a caravan. I believe also that he spoke of it at the Hôtel d'Angleterre, where he went to dine: but I do not know to whom. Alexander and the master of the hotel certainly must have known of it, as they had to prepare the food. In the town I never heard this expedition spoken of.

I neither perceived either in going or returning that we were being spied; Alexander has informed me that while we were going to Marathon the brigands had seen us with a telescope, but were too far off, otherwise they would have attacked us then.

During the few hours I was in the company of the brigands on my return amongst them I did not see any strange person, or that any one came there, or brought any letters there; but the servant of Mr. Herbert informed me that Alexander had told him that one night after the capture a certain individual in a fustanelle dress had appeared amongst the brigands, which individual had brought a letter to the Chief of the brigands.

It was said to him,* Take notice that according to the depositions of the officer who commanded the detachment of Infantry destined for the escort of the carriages which conveyed the above-mentioned gentlemen to Marathon, he met the carriages while they

* Meaning the witness.

were returning from Marathon towards Athens; that on their appearance the two gendarmes who preceded them advanced to inquire who they were; that having made themselves known, the officers said to one of the gendarmes that he should warn the coachmen that they should go slower, and at the same time the interpreter and a coachman had called to this officer to receive from one of the travellers 25 drachmas; that having asked the object of the present, he was told in reply that it was to give drink to his men, and that he then told the interpreter to order the carriages to go slower, because he had orders to accompany them; that on leaving the well where the horses were watered the officer repeated the same recommendation to go slowly, and meantime he went off with several men who were at a place called "Ponte di Pietra," and thus ten minutes later was rejoined by the carriage, and he then repeated to them to go slowly, on which one of the gendarmes answered, "You are not birds to follow us who have four legs," and horses and carriages set off at a great pace, so that they remained a long way behind, and on arriving at the farm of Oropos they heard shots, which he says must have been the last.

Answered: I heard that at the first meeting some words were exchanged between the gendarmes and the infantry escort, but I did not understand what the officer said about the carriages going slowly. The latter certainly went quickly where the road was good, and I said to myself, if we go on like this the soldiers will not keep up with us.

Questioned—

Answered: I think there were about twenty foot soldiers in all. I don't know when they appeared, and I cannot say whether or not from the place of the attack the brigands could see the foot soldiers coming up, but I think they could not see them.

I confirm and sign the above, which has been read over to me.

(Signed) DOMENICO ROELLA.

(Signed)

ARMANNI.

MARABOTTI.

G. MORETTI, *Clerk.*

No. 3.

Mr. Erskine to the Earl of Clarendon.—(Received May 30.)

My Lord,

Athens, May 21, 1870.

WITH reference to my telegram of the 14th instant, I have the honour to transmit to your Lordship extract of a letter from Mr. Blakeney, British Vice-Consul at Missolonghi, reporting the destruction of Deli, the brigand Chief who in the year 1865 captured Lord John Hervey and party.

I have, &c.

(Signed)

E. M. ERSKINE.

Inclosure in No. 3.

Vice-Consul Blakeney to Mr. Erskine.

(Extract.)

Missolonghi, May 18, 1870.

I HAVE to acquaint you that the famous brigand Chief Deli, who some time back had captured some Englishmen at Xiromero, in the district of Acarnania, has been slain together with five or six of his followers, by a mixed party composed of soldiers and civilians.

The inhabitants of that place were so exasperated by the perpetual atrocities committed by that monster that when he was shot down they rushed upon him and actually cut him in pieces; his head, however, was brought here yesterday, and was exposed outside the Commandant's quarters.

The dreadful tragedy enacted at Oropos seems to have disgusted people here to such an extent that I feel almost certain a stop will very soon be put to such disgraceful proceedings.

No. 4.

Mr. Erskine to the Earl of Clarendon.—(Received May 30.)

(Extract.)

Athens, May 21, 1870.

THE Court of Assizes at which the captured brigands are to be tried, was opened at 10 o'clock this morning in the large hall of the Varvakrion, a college of secondary education, founded by the munificence of a private citizen.

At the hour named I attended with Messrs. Cookson and Allan, and the legal adviser of Her Majesty's Legation, when it was found that so many persons had been allowed to enter the hall, and the confusion was so great, that it was quite impossible to proceed with the trial, which was accordingly adjourned till 4 o'clock this afternoon.

The prisoners, however, were brought in, seven in number, namely, Alexis, Costa, Pericles, and Photis, who were present with the band at Dilessi on the 21st ultimo; and three others belonging to the same band, who had been captured in Livadia some months previously: two of these were suffering so severely from their wounds that they could not walk, and had to be carried into the Court on a sort of canvass bed.

The Minister of Justice showed me yesterday a letter from the Procureur du Roi of Chalcis, stating that the writer of the letter which was found on Christo has at length been found, and that a warrant had been issued for his arrest.

The letter in question, as your Lordship may perhaps recollect, was sent in my despatch of April 28, as Inclosure 12,* and purports to have been addressed to Takos and Christo by their brother Georgio Yanni, Mr. Noel's servant. This man has hitherto strongly denied any knowledge of the letter.

* See "Greece No. 5," page 9.

GREECE. No. 13 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1870.*

393
GREECE. No. 14 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.	Page
1. The Earl of Clarendon to Mr. Erskine One Inclosure.	May 12, 1870 1
2. The Earl of Clarendon to Mr. Erskine	May 12, — 2
3. Mr. Erskine to the Earl of Clarendon .. One Inclosure.	May 3, — 3
4. Mr. Erskine to the Earl of Clarendon One Inclosure.	May 23, — 6
5. Mr. Erskine to the Earl of Clarendon .. Two Inclosures.	May 25, — 8
6. Mr. Erskine to the Earl of Clarendon .. Seventeen Inclosures.	May 25, — 16
7. Mr. Erskine to the Earl of Clarendon .. Two Inclosures.	May 25, — 27
8. Mr. Erskine to the Earl of Clarendon ..	May 26, — 27
9. Mr. Erskine to the Earl of Clarendon .. One Inclosure.	May 26, — 28
10. Mr. Erskine to the Earl of Clarendon .. One Inclosure.	May 26, — 28
11. Mr. Erskine to the Earl of Clarendon .. One Inclosure.	May 26, — 29
12. Mr. Erskine to the Earl of Clarendon .. Three Inclosures.	May 28, — 30

ERRATUM IN "GREECE, No. 13."

Instead of the passage in inverted commas at the bottom of page 1, Part 13, and at the top of the following page, beginning "The English and Italian Ministers," and ending "without any fear," read the following literal translation of the passage in Greek, quoted in Mr. F. Noel's letter: "By command of the King and the Ministers, you may move freely into rural habitations, as long as you treat the prisoners well."

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, May 12, 1870.

THE course that Colonel Théagénis took, as reported in your despatches and their inclosures of the 21st and 28th April, has not escaped much criticism in this country, and a memorandum, of which I inclose a copy, has been placed in my hands, contrasting his proceedings on the spot which, it can hardly be doubted, accelerated the catastrophe, with the promises and assurances given to you before his departure from Athens, and with the instructions he was said to have carried.

It is very desirable that the points adverted to in this paper should be thoroughly investigated, and that whatever is doubtful in the conduct of Colonel Théagénis should be cleared up, and you will take the most effectual means of doing so, and report to me as soon as possible the conclusion at which you may arrive.

Mr. Noel and Mr. Yates might, probably, much assist you in this inquiry.

I am, &c.

(Signed) CLARENDON.

Inclosure in No. 1.

Memorandum.

IN Mr. Erskine's despatch of the 21st April (Parliamentary Papers, No. 3, p. 1, No. 1), in which an account is given of Colonel Théagénis's mission, it is stated, after explaining the nature of that officer's instructions, that "a reasonable time will be given for negotiation." The expression is "will be given," in the future tense, and it must consequently refer to a period subsequent to the despatch of Colonel Théagénis.

Now, how was this promise of the Greek Government, that a reasonable time for negotiation should be given, carried out?

Colonel Théagénis reached the brigand camp on the 20th (see No. 3, p. 11, Inclosure 8 in No. 2), and commenced his negotiations, if they deserve that name; he assured himself (see p. 12) that "une attaque contre eux (les brigands) ne peut qu'exposer à un péril inévitable la vie des prisonniers, péril que prévoient parfaitement ces messieurs;" he would appear to have tried to conceal the disposition and intentions of the troops from the brigands, for instead of saying openly, You are surrounded and cannot be permitted to go beyond such and such a circle, he only hinted at the possibility of danger to them in such terms as these (see p. 11): "Car ici ils ne sont pas poursuivis, tandis que s'ils se hasardaient de s'éloigner d'Oropos ils *pouvai*ent rencontrer des détachements qui *pourraient* très bien ne pas respecter l'inviolabilité qu'ils trouvent à Oropos," and he boasts (at p. 12) that "les brigands n'ont eu aucune connaissance des mesures qui sont prises;" he does not seem even to have made to the brigands the offer, which he promised Mr. Erskine to make, of becoming himself a hostage in their hands; he brought his "negotiations" to an end in a few hours, and on leaving the brigand camp on the same day, the 20th, on which he had first visited it, he evidently thought no more of negotiating (see p. 12), but only of surrounding and resisting the brigands by force, though he knew, he says, that to do so was certain death to the captives.

On the morning of the 21st he proceeded at once, *without any further attempt a*

negotiation, to complete his arrangements for hemming in the brigands (see No. 5, page 7, Inclosure 8 in No. 3), though he fully expected that they would attempt to move on that day (although at a later hour than was really the case), and knew that the result of a collision with the troops would be the destruction of the captives. The brigands came, the troops pursued and attacked, and the captives perished.

"The reasonable time for the negotiation," therefore, consisted of a few hours spent by Colonel Théagénis in the brigand camp, while his troops were taking up their positions and closing in on the brigands, and the Greek steamer was coming round to cut them off by sea; this done, and after all done so badly that the chief and half the band escaped, Colonel Théagénis troubled himself no more about negotiations on the safety of the captives, but pursued, attacked, and produced the fatal result which he acknowledges that he knew must inevitably follow from such a course.

The character of Colonel Théagénis' "negotiations" may be seen from the impression made by his visit on the captives. Mr. Herbert writes on the 20th (No. 3, page 8, Inclosure 1 in No. 2), "The Captain desires me to say that since he has seen Colonel Théagénis' orders he does not feel himself safe even here, and requests a further assurance from you, in writing, as to where they are safe, and for how long." Mr. Lloyd, on the same day (page 9, Inclosure 2 in No. 2), says, "The great thing is to gain time for negotiations, and not to hurry to an open conflict." In his journal he says (No. 5, page 5, Inclosure 2 in No. 3), on Thursday the 21st, "Know troops in force; *danger impending*." In a letter from Mr. Vyner to Lord Muncaster, of which the probable date is the 20th, and which is not in the printed papers, the former writes, "The messenger" (Colonel Théagénis) "has arrived from Athens, and has, in conjunction with Noel, had a lengthened interview with the Chiefs, the result of which is unfavourable. The Chief has said to Noel that he will keep us safe for three or four months, *but of course the soldiers being set loose has done away with our security, and in the first engagement with the troops we must die, as they would kill us at once*;" and further on he adds, "The Government official" (Colonel Théagénis) "regards our position as beyond hope."

The only result, therefore, of Colonel Théagénis' negotiations was to place the captives in a position "beyond hope;" and what the negotiations had begun the military operations completed.

It is impossible to believe that this is what Mr. Erskine understood by the promise that a reasonable time should be given for negotiation.

May 12, 1870.

No. 2.

The Earl of Clarendon to Mr. Erskine.

(Extract.)

Foreign Office, May 12, 1870.

HER Majesty's Government have so fully sympathized with the labours and anxieties with which you have had to struggle during the last eventful weeks, that I have been unwilling to add to them by calling on you to supply more detailed reports and more complete information, with which it is very essential that they should be furnished. Now, however, when it remains only to unravel the whole of the circumstances which led to and attended the late dreadful tragedy, I would wish to receive from you, if possible, in one connected and detailed narrative, a full statement of all that has been ascertained in regard to this catastrophe, and the part played in it by those whose names have transpired.

The first point naturally is, whether the Greek Government had reason to suppose that so formidable a band of brigands was roaming about in Attica or Bœotia, or both, awaiting any prey that might fall into their hands. The Greek Government is bound to clear up this point for its own honour. The next point to ascertain is, from whence the brigands derived the information which induced them to make a night march, said to be of forty miles, so as to reach their appointed ambush in time even to witness the outward passage of their victims, and, having done so, why they delayed to seize them till their return. It is clear, from the report of the prisoners themselves, and from the confession of the captured brigand, inclosed in your despatch of the 23rd ultimo,* that during the whole of this period the brigands must have been in communication with some persons not immediately belonging to their band, but under whose direction and advice they were acting, and with whom they would divide the spoil. It is most essential to clear up who those persons may have been. The conduct of the Nomarch referred to by Mr. Noel is, to say the least of it, very suspicious, and it may be proper to inquire whether the priest

* See "Greece, No. 4,"

who officiated at the mass at Oropos on Palm Sunday was then, for the first time, in communication with this band of brigands, and knows nothing further at all about them.

Equally impossible is it to suppose that this band was an isolated band, and had no communication with the other bands which distract and ravage the various provinces of Greece. From the statement of the captive brigand they expected to find some refuge in Agrapha, a district far removed from the scene of their immediate crime; and the fact of the connivance of well-known and influential persons with brigands in Western Greece is too notorious to have need to be dwelt upon.

With such data it seems impossible that the Greek Government (if honestly resolved to ascertain the truth) should be unable to discover the parties privy to this enormous crime. Alexander, indeed, voluntarily admitted that a man, who had afterwards been seen at large in Athens, had been in communication with the brigands; and he further admitted that the brigands had held communication outside their huts with persons whose presence they desired to conceal. Two such persons the captive brigand declares that he can identify. Now it is but little likely that persons of this description, unconnected with the locality, should have been roaming about the country so opportunely without coming into communication with the peasantry, whose services they must have required, if for no other reason, as guides. Through the peasantry and their priests the Government might obtain a clue which, if diligently and carefully followed up, would lead to the revelation of the whole mystery.

Her Majesty's Government, moreover, deem it most important to ascertain the circumstances that immediately led to the fatal catastrophe of the afternoon of the 21st of April, which are now necessarily involved in some obscurity. The point which it is most essential to clear up is, whether the Greek Government in detaching troops, so as to prevent the withdrawal of the brigands with their prisoners, even without any more active operation against them, did not break faith with the brigands, and thereby justify their apprehension that they were about to be immediately attacked.

Her Majesty's Government are naturally, as you will well understand, most anxious to be informed whether, if the brigands had reasonable grounds for apprehending that the movements of the troops were designed not simply with a view to prevent them from withdrawing from Oropos, but were a preliminary to an attack being made upon them there, any previous communication of such a change of purpose had been made to you, and to what extent and with what reservations you had acquiesced in an operation so fraught with danger to the captives, and apparently so much at variance with the assurances which you had been the channel of conveying to the brigands. It appears certain that the brigands, from a very early period, had announced their determination to murder their prisoners if, within a specified time, which must have expired, or nearly expired, when the crime was accomplished, their demands were not fully complied with; but it would seem, also, from Mr. Noel's report, that they might have accepted the modified terms of ransom and transportation in safety to a foreign land, if the obstinacy or treachery of a local authority had not deprived him of the means of further communication with them before it was too late. This is a most serious feature as regards that local authority, and one which the Greek Government must be careful not to slur over.

This Her Majesty's Government would have a right to expect from that of Greece, even if the case were not one in which the Greek Government itself were as deeply, though on different grounds, interested as themselves.

To assist you in these inquiries, I have authorized you to provide yourself with the best legal advice that may be within your immediate reach, and I have also instructed Her Majesty's Ambassador at Constantinople to place at your disposal, if required, the services of the best British legal practitioner of Constantinople, or of Egypt, or even those of the Judge Consul-General himself.

No. 3.

Mr. Erskine to the Earl of Clarendon.—(Received June 2.)

My Lord,

Athens, May 23, 1870.

DURING the pursuit of the brigands after their flight from Sykamenon, Colonel Théagénis' horse put his foot into a hole, and threw the Colonel so heavily as to inflict a serious contusion on his side, by which he was confined to bed for more than ten days at Thebes.

On his return to Athens he placed in my hands a parcel of letters which he had found in the pocket of the late Mr. Herbert's capote, and which proved to be nearly the whole of those which I had addressed to him during his captivity.

This morning M. Valaority brought me three more letters addressed to Mr. Herbert, one of which was from General Church, another from a friend, which Mr. Watson has undertaken to return, and a third from myself, dated the 19th of April, and sent to Oropos by a messenger despatched to Colonel Théagénis by General Church.

I have now, therefore, the honour to transmit herewith copies of that series, the letters marked 1, 2, 3, and 5 being those delivered to me by Colonel Théagénis, and the one marked 4, by M. Valaority, which he informed me was brought to him by a person in the service of the Police, who professes to have received it from a peasant of Sykamenon. As this explanation did not appear to be altogether satisfactory, M. Valaority has requested the Procureur du Roi to inquire into the matter. A sixth letter was forwarded to your Lordship in my despatch of the 28th April, which was never delivered to Mr. Herbert, and which was returned to me after his death by General Soutzo.

The letters are all copied exactly as they were written (usually in a great hurry), except that the parts relating to strictly private matters have been omitted.

I have, &c.
(Signed) E. M. ERSKINE

Inclosure in No. 3.

Letters addressed to Mr. Herbert.

(No. 1.)

My dear Herbert,

* * * * *

WE have been in communication with those who are in authority, and in two hours they are to let us know their answer. To-morrow, therefore, we may expect something decisive. The King and the Prime Minister are away, and until they return (they are expected this evening) I do not expect that anything decisive will be known.

* * * * *

I have at your desire telegraphed to C., and will now do so again.

Yours ever,

Wednesday, April 13.

P.S.—The Government have already pledged themselves not to allow the troops to pursue your captors until you are released; of course I cannot answer for the promise being kept, but I hope it will.

(No. 2.)

My dear Herbert,

British Legation, Athens, Friday, April 15, 1870.

I have received your letter of this morning and heard from M. Zaimis what is said by his emissaries; unfortunately they are about to start, and I have but an instant to scribble a line. The Government will be but too happy to guarantee the safe departure of the band, who I trust will satisfy themselves that the Government have not the power to grant an amnesty. Let them read Art. 35 and 39 of the Constitution, and not listen to designing advisers. You can explain to them the bearing of these Articles. I send you a French copy of the Constitution, and will add one in Greek if Lambros can find it in time.

* * * * *
Yours ever,
(Signed) E. M. E.

(No. 3.)

My dear Herbert,

British Legation, Athens, Sunday night, April 17.

* * * * *

I have determined to send off Dionysio, although I have nothing of consequence to say, because the Government are now in Council, and it cannot yet be known what they will decide after hearing the report of their messenger, who arrived at about 8 this evening.

* * * * *

Government cannot legally grant the amnesty, and if they did so illegally they might be out of office to-morrow; and then what security is there that their successors would

respect an act they were incompetent to do? Mind you say this to Arvanitaki, and let him reflect on it himself. You say that the messengers sent have not the power to explain matters authoritatively; try, therefore, and persuade Arvanitaki to talk to you calmly and to negotiate through us. Surely he can trust us, at least as much as he does the others.

* * * * *

Undoubtedly I have been assured more than once, and do not doubt it, that if Arvanitaki would give himself up he might be tried and sentenced, but *the King would pledge his Royal word* to me to pardon him after all formalities had been gone through. But how could the King send a letter either to me or Minerva promising pardon for past offences, which would be simply an amnesty? Now nothing of that sort can be valid without the signature of the Minister or Ministry, and I have already said that I should not advise Arvanitaki to trust in the validity of an illegal amnesty which might be set aside by a new Ministry, and Ministries in Greece are notoriously ephemeral. Now, however, for the real point. You say that the chief of your friends is the real obstacle, that the others would be content with an understanding that they should not be molested whilst escaping with their booty. It has occurred to me that A. might be glad to go on board an English vessel of war for conveyance to Malta, and of course taking his share of the plunder with him. At Malta I daresay they would not care for a prolonged visit from such gentry, but he would be quite at liberty to go to that paradise of Greeks, Alexandria, or to any other part of the globe that has charms for him, and in which his presence would be welcome. I have no doubt the Greek Government would jump at such an escape. Ask your friend, as if from yourself, what he would think of it, and in the meantime I will sound Lord C.

I shall in a day or two have a vessel at my disposal, and, if necessary, would come and fetch you and him, and assure him that he runs no risk on British soil of being called to account for his peccadilloes in Greece or Turkey. I wish he could be made to understand that he is only a cats-paw to such people as

* * * * *

In short, as I told Arvanitaki, the money won't be an obstacle wherever it comes from. But I must say that if the English steamer plan is realised they might content themselves with a lump sum of 10,000*l.*, that is, nearly 500*l.* a-piece; a pretty good beginning for an Albanian shepherd lad.

Yours most sincerely,
(Signed) E. M. ERSKINE.

(No. 4.)

My dear Herbert,

British Legation, Athens, April 19, 1870.

I was not able to write to you last night as there was no time, and do so now because General Church tells me that he is about to send off a man to Théagénis. Every one assures me that a better selection could not have been made. ——— says that there are plenty of men who know the country, but are not honest, and that there are, perhaps, a few honest men who do not know the country; whereas Théagénis is both honest and knows the country.

In my presence all the Ministers authorized him to grant any terms *short of the two impossible ones*, which might be demanded, and he spontaneously undertook to go out to the brigands as a hostage should they require one, and to prevent them from insisting on dragging you to the frontier. I don't know whether Théagénis is a man of resource, but you must try and see him often, and make any suggestions that occur to you should he prove less able than one would desire. Pray tell me *really* how Mr. Vyner is, as the Demarch gave a bad account of him, and a *very* bad one of Boyl.

Watson wants to go and establish himself somewhere in your neighbourhood as a means of communication; but I tell him he can be of more use here, and that as he knows neither the people nor the country he could do no good.

I think you understand that the two impossible conditions are precisely those which Tako insists on, viz., the amnesty, and free pardon after trial and sentence by default; the former has been so often discussed that there is no necessity to revert to it, but I may mention, with respect to the latter, that M. de Privilegios, the Procureur-Général, and probably the soundest lawyer in Greece, has given it as his opinion that under no circumstances has the King the power to pardon a man until he has been *tried and sentenced in person*.

* * * * *

Yours ever,
(Signed) E. M. ERSKINE.

P.S.—I find I have forgotten to say that I have asked Mr. Noel, who is at Chalcis, to send his man Arvanitaki, a brother of Tako's, with letters from the Nomarch and himself, to assist Théagénis, if needful, and Noel is persuaded he would be of use. I have also omitted to say that Valaority told Théagénis in the Council of Ministers, in my presence, that, if necessary, he would go to Oropos and assure them in the King's name that if they would consent to come in and be tried they would, after conviction, obtain the Royal pardon. Surely this is a good deal when the pledge is taken to a Foreign Minister.

E. M. E.

(No. 5.)

My dear Herbert,

British Legation, Athens, Wednesday, April 20, 1870.

We are so much in the dark as to your present position that I really do not know what to write; but as Zaïmis tells me that in a few minutes he shall despatch a messenger to Théagénis, I cannot let him go without a line for you also, which I hope you will receive in the village of Oropos, where we are told you now are. I also heard from Noel that he was to leave Chalcis yesterday with one of the Arvanitakis who is in his service, and who may be of use. At all events they can do no harm.

Théagénis' instructions are still the same, and you may say to Arvanitaki that I vouch for their faithful execution, as far as I can vouch for anything a Greek Minister promises me. They are, then, to discuss with the band as much as they like, and to promise them to the last moment the ransom agreed upon, and liberty to remove it to a place of safety, with hostages to insure their not being molested in the mean time. But neither amnesty nor pardon after judgment by default are admissible. They will not be attacked unless they attempt to carry you off, but neither will the troops allow them to do so. Let them, therefore, take the money while they can. It would be a poor consolation to the band for being killed to kill you first. Were they allowed to march across the country with their prisoners, you might all of you die *en route* or catch the seeds of some incurable malady.

The "Cockatrice" has arrived and is at my disposal for any purpose, such, for instance, as sending round the ransom. But I have no authority yet to convey Tako or his band to Malta or elsewhere.

Yours ever,
(Signed) E. M. ERSKINE.

No. 4.

Mr. Erskine to the Earl of Clarendon.—(Received June 2.)

My Lord,

Athens, May 23, 1870.

WITH reference to your Lordship's despatch of the 12th instant, I have the honour to transmit herewith an answer to the Memorandum inclosed in that despatch, embodying my opinions as to Colonel Théagénis' conduct during the most difficult mission with which he was entrusted.

When it became necessary to select some person to negotiate with the brigands on behalf of the Government, as suggested by Mr. Herbert and his fellow-captives, MM. Zaïmis and Valaority and I had a most anxious discussion as to the fittest person for such a task, and after several names had been proposed by M. Zaïmis, and to which for various reasons I objected, I at last thought of Colonel Théagénis, who appeared to me peculiarly fitted to conduct a negotiation on the success of which the safety of our countrymen depended. He was, and is universally respected; he is a military man, and the Aide-de-camp of General Church; he speaks Italian with great facility (a language with which two of the captives were familiar); and he is quite unconnected with any political party.

M. Zaïmis at once admitted, on my mentioning his name, that a better choice could not be made. He was sent for by the King, and consented with the greatest readiness to do what was required of him.

I have in several of my subsequent despatches described how Colonel Théagénis discharged the duty he had undertaken. I was at first disposed to think, on the representation of Alexander, and after perusing his two first hurried reports, that Colonel Théagénis had giving more of his attention to surrounding the brigands than treating with them; but after reading his detailed report, inclosed in my despatch of the 5th instant,* after a long

* See "Greece No. 7," page 12.

conversation with him as to the cause of the collision, and after hearing his evidence in Court, I am bound to say that I believe Colonel Théagénis to have acted as a man of feeling and of honour, and that he did his best to avert a catastrophe which was brought on by the panic caused amongst the brigands by the sight of the troops. If the latter had reached the Asopos in time to occupy its left bank so as to intercept the communication with Sykamenon, or if Alexander had been able to overtake and reassure the brigands, they might have been persuaded to remain quietly at Sykamenon until terms could have been arranged for the release of the prisoners. But Colonel Théagénis was instructed to prevent the escape of the brigands to the north, and when once the troops came up with them, and they would not stop, it is quite conceivable that the soldiers should have made use of their arms without permission from their officers.

I have heard all that Mr. Noel has to say on this subject, and do not believe that he is in a position to prove that there was any deliberate intention to attack. He was not present at the engagement, and only says, as I have already mentioned to your Lordship, that an officer of his acquaintance was ordered by Captain Liacopoulos to attack the brigands at Sykamenon, but he had not the order in his possession, and as far as I know the soldiers engaged were those who had accompanied Colonel Théagénis and Captain Apostolides from Sialessi in a totally opposite direction from the place at which those spoken of by Mr. Noel were stationed, namely, Dilessi.

All that Mr. Yates knows of the affair is what he saw from a vessel which was then at some distance from the shore, as he did not land until the firing was over, and the prisoners murdered. But it must be admitted that he and most disinterested persons who have looked closely into the matter are of opinion that the troops fired first.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 4.

Answer to Memorandum in the Earl of Clarendon's Despatch of the 12th May, 1870.

I CERTAINLY understood that "*a reasonable time will be given for negotiation,*" and not only "*a reasonable time,*" but *ample* time. In fact, as far as I was concerned, no argument that could have been used would ever have induced me to acquiesce in the brigands being attacked, which, as it appears to me, is a totally different thing from consenting to M. Zaïmis' proposal that they should be surrounded by a cordon of troops, which would have rendered escape difficult, if not impossible. Doubtless there would always have been the danger that when the brigands first perceived that they were surrounded they would commit some act of violence, but after all they were human beings, and likely to be actuated by human instincts, and would not, I believed, wantonly slaughter their captives when they could count upon a ransom exceeding the wildest hopes of such people, with every facility for carrying it off to a place of safety, and beyond the reach of either the Greek or the Turkish authorities.

The Greek Government and my Italian colleague and I unquestionably had in view not only Colonel Théagénis' mission, which might fail, but what we hoped to do subsequently if time were but afforded us. The Archbishop would have gone—I would have gone myself; even the King would unhesitatingly have placed himself in the brigands' hands, rather than that any harm should have befallen our poor countrymen.

I will not undertake to defend all that Colonel Théagénis did, as I do not feel sure that I am sufficiently acquainted with his proceedings to constitute myself his apologist. He may have made mistakes, and circumstances were against him, but I certainly believe he had the purest and most unselfish intentions; and, at all events, I fully acquit him of the diabolical conduct of which he has been accused. He declares in his letter of April 25th (inclosed in my despatch of the 5th instant*), that after *several* hours' discussion he left the brigands without having made any impression on them, and I doubt whether anything would have been gained by his attempting to re-open negotiations until he had received fresh instructions from Athens, or until the brigands again intimated a wish to treat. His sole interview with them took place on the 20th, and the fatal encounter was at about 5 o'clock P.M. on the following day. It is quite certain that Colonel Théagénis left no doubt on the brigands' minds that they would not be allowed to carry off their captives from the neighbourhood of Oropos, as not only does he say so in his report of April 25, paragraph 4,† but Mr. Herbert, in his letter of April 20th, states that Tako was aware that he was being surrounded, and wanted to know where he would be safe.

* See "Greece No. 7," page 13.

† Ibid., page 12.

Even at Sykamenon they would not have been attacked; the collision occurred after they had left that place.

With respect to the Colonel's alleged omission to offer to accompany the brigands as a hostage, I would refer to paragraph 4 of his report of April 25th,† in which he states most distinctly that he had done so. But even if what the Colonel says is not believed, my letter to Mr. Herbert of the 19th of April, of which a copy is sent in my preceding despatch, would show that Mr. Herbert must have been aware of the offer, and it is highly improbable that he would have failed to mention it in conversation with Tako. I no more doubt that the offer was made to Tako than I do of my own existence.

There is no reason to suppose that on leaving the brigands Colonel Théagénis had definitively broken off negotiation with them: they might at any moment have been resumed by him or others, if the brigands would but have remained where they were. It was known that they were thinking of escape, and one of his objects certainly was to make this as difficult as possible.

In moving to Sialesi on the 21st, his object was obviously to get to the north of Oropos and intercept the brigands before they carried off their captives to some more distant and impenetrable part of the country, as they were constantly threatening to do.

If he had meant to *attack* them it would have been far simpler to do so from Marcopoulos, where he then was. It is stated in the memorandum which I am now answering, that Colonel Théagénis "fully expected that they would attempt to move on that day (the 21st), although at a later hour than was really the case, and knew that the result of the collision," &c, a statement which may be true, but of which I find no evidence in the papers before me, and which would appear to be in direct contradiction with Colonel Théagénis' avowed object of surrounding them at Oropos—all the measures he was adopting being calculated with that view. He even declares that he did not know of this intention until about 3 P.M. on the 21st.

Mr. Herbert's note of the 20th April shows, in my opinion, that the brigands did fully understand that they must not leave Oropos.

But Colonel Théagénis was surely not bound to tell the men who were about to be surrounded the exact position of the troops employed in the operation.

(Signed) E. M. ERSKINE.

Athens, May 24 1870.

No. 5.

Mr. Erskine to the Earl of Clarendon.—(Received June 2.)

(Extract.)

Athens, May 25, 1870.

ALTHOUGH I have endeavoured to keep the Government fully informed as to the details of the late catastrophe, I am painfully conscious that I have been able to convey but an inadequate impression of all the circumstances which may have contributed to it. In accordance, therefore, with the instructions contained in your despatch of the 12th instant, I will now attempt to give a more connected account of the whole affair.

The band of the Arvanitei consisted originally of twenty-eight brigands, almost exclusively natives of Turkey.

It broke into Phthiotis about the middle of January last, and I can well remember the consternation with which the news was received at Athens. The subsequent history of its proceedings up to the period of its entrance into Attica is so fully told in the indictment, of which copies are herewith annexed, that I need not encumber this despatch with any further details on the subject.

The exact day of their arrival in this neighbourhood has not, as far as I am aware, been yet ascertained.

The indictment mentions the 9th or 10th of April (28th or 29th March, o. s.) as that on which the band appeared about Pentelicus, but it is almost certain that it was lurking somewhere on that mountain for several days before the 11th April, when the capture was effected. There is no reason to suppose that the Government were aware of the proximity of the Arvanitei until that morning, although it is certain that their presence must have been known to many persons for some days previously.

The statement now made to me by the Greek Government is that M. Avierinos, the Acting Minister of the Interior, first heard that the brigands were concealed near Daon, on the road to Marathon, "towards noon" on Monday, the information having been derived from Captain Canellos, the officer commanding the flying column in Attica, who was on leave at Athens, and who had learnt the fact from a peasant. But it is so difficult to get at the

truth in this country that Captain Canellos only acknowledges to have received this information at 2 in the afternoon, although the Minister himself admits that it reached him towards noon through this very Captain Canellos, who had ceased to take any active part in the command of his detachment because he was on bad terms with General Soutzo, chiefly owing to the latter's refusal to employ more than 25 men on a duty which in former times required 200.

M. Avierinos's letter to M. Valaority on this subject will be forwarded to your Lordship by this mail; and I think that abroad it will be thought somewhat strange on the part of a Minister entrusted with the public security that he should have put off informing his colleague, the Minister of War, that the Arvanitei were at two or three hours' drive from the capital until the next meeting of the Cabinet Council, which doubtless was not held until our unfortunate countrymen had fallen into the hands of the brigands. He denies, and no doubt with truth, that he knew that a party of strangers had gone to Marathon; but, unless I am mistaken, the Minister of War was apprized of the fact at latest at 10 A.M., and if M. Avierinos had taken the very natural precaution of letting his colleague know that the dreaded Arvanitei were close to Athens, one would have expected that immediate measures would have been adopted to avert the disaster. As it was, one Minister knew that the brigands were in the neighbourhood, and the other that the strangers had gone to Marathon, but each Minister kept what he knew to himself. The deplorable result is too well known for it to be necessary that I should recapitulate the details.

There is not the least reason for believing that the brigands really made the famous night march of 40 or 50 miles on which General Soutzo lays so much stress. They were probably a week on Pentelicus receiving bread, and perhaps intelligence, from the convent on this side of the mountain which is so well known to travellers visiting Athens. But as all this is now a matter of judicial investigation, I trust that your Lordship will excuse my not entering into particulars which it would be wrong to divulge. For the same reason I say nothing as to the persons who are suspected of having encouraged the brigands to enter Attica, nor as to their advisers in the matter of the amnesty. Messrs. Cookson and Allan are now fully aware of all that is known here on these points, but they would not be justified in communicating the evidence which is being taken until the persons implicated are committed for trial.

The brigands would probably have seized the travellers on their way to Marathon; but, according to their account, they did not notice the carriages until it was too late, and they knew that they could always take them on their return.

I have not yet heard that the band of the Arvanitei were connected with any other; on the contrary, that of Spannos, which looks upon Boeotia and Attica as its especial prey, is known to be the rival of the other, and would probably have attacked the Arvanitei, if they had obtained the ransom, and if Spannos's band could have collected a sufficient force to do so with any chance of success.

It was natural that the Arvanitei should look to Agrapha as a refuge, as they mostly belonged to that district and had come from there.

With respect to the question of an amnesty being granted to the brigands, I would observe that, on first hearing of the demand, I felt persuaded that it could not legally be granted; but as it was not my business to uphold the Greek Constitution, but to get my countrymen released, I sounded General Soutzo, the first Minister I happened to see, as to the possibility of complying with the demand put forward by the brigands. To my great relief and surprise I found him disposed calmly to consider the matter, and he added that he had always been of opinion that, mainly on grounds of expediency, it would be advisable to make a large use of the Royal prerogative of pardoning brigands, as, after all, they were not worse than many persons who were reputed honest, whilst a brigand was far more dangerous on the mountain side and as an outlaw than he would be if allowed to lead the life of a peaceful citizen,—a doctrine in which there may be some truth.

On the following day, however, General Soutzo seemed to have changed his mind and would not admit that he had ever contemplated the possibility of an amnesty being granted for any but political offences.

M. Valaority, the next Minister I saw, declared to me that an amnesty would be a direct breach of the Constitution, and I have not heard two opinions upon the subject since.

I did not receive your Lordship's first telegram expressing a hope that the brigands might be pardoned, until after the captives had all been murdered. It would, therefore, be useless now to inquire whether any amount of pressure would have induced the King and his Ministers to commit what they all considered an unconstitutional act, and I only mention the subject to explain why no serious attempt was made by me in this sense. Without positive instructions from your Lordship I do not think that even the very difficult circum-

stances in which I was placed would have justified me in requiring the Greek Government to violate the Constitution. It is always with the deepest pain that I approach the question as to the attempt to surround the brigands at Oropos; it is difficult, now that all is over, fully to realize the various motives by which Count della Minerva and I were influenced in this matter. Those who blame us perceive only that the one course led to a fatal result, and they do not take into account what and might probably have occurred if the Greek Government had been prevented from moving a soldier.

If, as was quite possible, the military measures had been more prudently and skilfully planned, and the result had been the liberation of the captives, there can be no question that the steps taken would have been generally approved.

Mr. Noel says on the 21st that the brigands were about to come to terms. But if so, why did they attempt to move off? Is it not likely that they were seeking to mislead Mr. Noel in order to give time for their escape?

Mr. Noel was unquestionably acting in good faith, but it is no less certain that his man George Yanni, the brother of Tako and Christo Arvanitaki, was the agent employed in the intrigue about the armistice, and that the letter found on Christo after his death was written with George's knowledge and assent.

Colonel Théagénis assures me that there were moments when he thought that Tako was about to give way, but that after a fresh conversation between the brothers, in which George sought to dissuade him from accepting the terms offered, Tako would come back more obstinate than ever.

Is it conceivable that Mr. Noel's attempts at persuasion can have had much effect when they were being counteracted by the very man through whom any influence could be exerted?

M. Zaïmis worked upon my fears by telling me that this state of things could not last; that a body of men under a certain Leonidas Bulgaris was preparing to attack the brigands at Oropos, with the purpose of effecting the release of the captives at whatever cost; and that with every disposition to avoid a collision, the Government might be unable to prevent it; that even at Oropos the peasants were combining to put an end to a state of things which they deemed disgraceful to the country.

On the other hand the brigands were constantly threatening to kill the captives unless their terms were complied with immediately; and although it is now said that these were mere idle threats, I did not feel at all sure that they would not be fulfilled. Count de Boyl and Mr. Vyner were much depressed, and I felt confident that Mr. Herbert's health would have given way under prolonged exposure to damp and fatigue.

M. Zaïmis did not object to send a person of standing to negotiate on behalf of the Government, but he insisted on some understanding being come to in the event of every attempt at conciliation proving unsuccessful; and I own that at length both I and Count della Minerva considered that the chances of success so much outweighed the risk, that we reluctantly acquiesced in M. Zaïmis's suggestion that in the event of Colonel Théagénis's mission not succeeding, the Government should be allowed to dispose the troops around Oropos in such a manner as to render it impossible for the brigands to escape, when they would, it was thought, be obliged to accept the magnificent terms which would still have been offered to them. Count della Minerva's recollection of our understanding with the Government is that a cordon was to be drawn round Oropos at the distance of about two hours. I cannot be sure of this, as I felt that much must depend upon the nature of the ground; but it was certainly agreed that the troops should keep as far away as was compatible with the attainment of the object in view, viz., the prevention of the escape of the brigands.

I think it cannot be denied that in what the brigands said to Mr. Noel they were either trying to deceive him, or, if they were in earnest, they were beginning to feel the effects of the message conveyed to them by Colonel Théagénis.

If they had been allowed to carry off their prisoners without interruption, from the comparatively accessible situation they were then in, and if the captives had dropped off miserably one by one, or been murdered at a later period by the brigands in some chance encounter with the troops, it would equally have been said that we were to blame, and that we ought never to have consented to their removal from Oropos; that a little firmness would have forced the brigands to accept the terms offered to them: in short, any misfortune to the captives would always have been attributed to our mismanagement.

These, my Lord, were some of the arguments which induced me to acquiesce in the course proposed by the Greek Government, which was not to come into operation until after the failure of Colonel Théagénis's conciliatory mission.

I do not pretend that I was right, as I now see that anything would have been better than a plan which has ended so fatally. But who can undertake to say with certainty

which is the best way to deal with brigands, or how much of what they threaten is meant to be carried into effect?

Nor do I perceive how faith was broken with them: they surely could not expect to be allowed to wander about indefinitely with impunity! And yet it would have been as dangerous to put an end to the armistice at the end of ten months as it proved to be at the end of ten days.

I have repeatedly assured your Lordship that there was never the slightest intention on the part of the Government of attacking the brigands; and they must have well known this, as they trusted any engagements taken by a British Agent, and Mr. Herbert was in a position thoroughly to enlighten them on this head.

In Mr. Lloyd's letter of the 20th of April to Lord Muncaster, he says, "They cannot believe that they are safe even here, and they require some assurance from Erskine that they will not be molested in Attica, fixing the time they will wait here till to-morrow evening for an answer." This answer, consenting to their removal to Sykamenon, was given without one moment's delay, but they left Oropos without waiting for it; had they done so it might easily have been settled that they would not be molested in Attica.

I have, in a note of which a copy is inclosed herewith, requested M. Valaority to inquire into the Nomarch of Chalcis's refusal to lend the Government boat "Methoni" to Mr. Noel; and I shall not fail to acquaint your Lordship with the explanation that may be offered by the Nomarch in reply: but I think Mr. Noel makes more of the circumstance than it deserves, as the "Methoni" is not, I imagine, a steamer, and Mr. Noel was not ready to start for Oropos until a quarter past 4 o'clock on the afternoon of the 21st of April, when the brigands had already left Sykamenon and the conflict had begun.

Having now, to the best of my ability, answered in this or in other despatches all the points adverted to in your Lordship's despatch, I must leave this most distressing case to the indulgent consideration of Her Majesty's Government.

Inclosure 1 in No. 5.

Indictment of Brigands, extracted from "La Grèce" of May 21, 1870.

LA Chambre des Mises en Accusation du Tribunal Correctionnel d'Athènes, composée des Juges M. Antoniadis, Président, Sp. Evlambios, Juge d'Instruction, et de Sp. Euclide;

Réunie dans la salle des délibérations le 25 Avril, 1870, en présence du Procureur du Roi G. Limberaki et du Sous-Greffier B. I. Coconi, pour décider, après délibération, sur l'affaire suivante:

Les nommés—1, Tacos Arvanitis; 2, Christos Arvanitis; 3, Nicholas Cotzodrakos; 4, Alexis Tzounis ou Hormova; 5, Apostolos Caravidas; 6, Nicolas Scaltzopoulos; 7, Nassos Moustacis ou Tzoumboukis; 8, Nicolas Floros ou Tzitzis; 9, Dém. Patzaouraki ou Pliasias; 10, Stathis Xephroudos; 11, Démétrius Zarcadas; 12, Séraphim Foussekis ou Scamangouli ou Crissaropoulos; 13, Const. Scantzouris; 14, Périclès Lioris ou Viliotis; 15, Const. Monahos; 16, Photios Iconomo; 17, Athanase Tassoulas; 18, Leonidas Calomiris; 19, Nasos Catzonis; 20, Elie Stathaki; 21, Georges Catarahia; 22, Jean Janaris; 23, Soter Zoma; 24, Jean Phermani; 25, Mitros Tzacanica; 26, Soter Arvanitovlakaki; et 27, Mitros Kenourios ou Condolémis, ont été accusés de brigandage, de rapt, de viol, et de meurtre.

En conséquence de cette accusation, a été ordonnée et faite une instruction régulière, dans le cours de laquelle ont été délivrés, 1, le mandat d'amener sous le numéro 9; 2, le mandat d'arrêter sous le numéro 7; et 3, la prise de corps sous le numéro 11 par le Juge d'Instruction A. Ghion. Après la fin de l'instruction le Procureur du Roi près ce tribunal ayant soumis le dossier, par son réquisitoire sous le numéro 6901, il a exposé les faits suivants provenant de la susdite instruction:—

La bande de brigands composée des Chefs de bande Tacos et Christos Arvanitéos et N. Coutzodrakos et des brigands Alexis Tzouni ou Hormova, Apostolos Caravida, Nikitas Scaltzopoulos, Nasos Moustacis ou Tzoumbouki, Nicolas Floros ou Tzitzis, Démos Patzaouraki ou Pliasias, St. Xephroudos, Démétrius Zarcada, Séraphim Phousseki, ou Soamangouli ou Crissaropoulos, Const. Scantzouri, Périclès Liori ou Viliotis, Const. Monahos, Photios Iconomou, Athanase Tassoula, Leonidas Calomiris, Nassos Catzonis, Elie Stathaki, George Catarahias, Jean Janaris, Soter Zoma, Jean Phermani, Mitros Tzacanica, Sp. Arvanitovlakaki et Mitros Kenourio ou Cordolémis, dont les nommés Périclès Lioris et Soter Zomas sont Hellènes, et les autres originaires d'Agapha, province

de l'Etat Ottoman, a pénétré par la frontière Turque en Phthiotide vers le commencement de Janvier, année courante, ayant des vivres pour cinq jours, et des montagnes de la Phthiotide s'est dirigée vers la Locride et de là à Livadie, où elle était ravitaillée par les bergers nomades. Découverte par les colonnes volantes à Livadie, elle fut attaquée par elles au lieu dit Oros Exarchos ou Caramouza, où fut blessé et pris le brigand Ath. Tassoulas, tandis que les autres parvinrent à s'échapper par la fuite. Après trois jours de marche en des lieux différents ils vinrent camper à l'endroit nommé Paraliuni d'où ils aperçurent de loin les détachements militaires, et ayant eu peur ils se dirigèrent sur Retzona de Thèbes : mais les détachements militaires, qui suivaient les traces des brigands les atteignirent là, les attaquèrent et dans le conflit périrent les brigands N. Coutzodracos, Mitros Kenourious ou Cordolémis, et Soter Arvanitovlakaki, et furent blessés et pris les nommés L. Calomiris et Nassos Catzonis ; mais les vingt-et-un autres brigands qui parvinrent à s'échapper par la fuite se réfugièrent dans les montagnes et se cachaient dans la Mégaride ; mais découverts là aussi, par les détachements militaires, que les vedettes des brigands aperçurent, ils partirent. En se cachant tantôt dans un endroit et tantôt dans un autre de la Mégaride et de l'Attique, ils arrivèrent du 28 au 29 Mars, année courante, aux environs du village de Pikermi ; dans la matinée du 30 ils se postèrent au-dessus du lieu dit Macrohoraphos, d'où ayant remarqué le passage de deux voitures, par lesquelles s'étaient transportés à Marathon Lord Muncaster avec sa femme, Viner, Lloyd avec sa femme et sa fille, Herbert et Boyl, le Premier Secrétaire de la Legation Anglaise et le Second de la Légation Italienne, accompagnés de l'interprète Al. Anemoyanni et d'un de leurs domestiques, de quatre gendarmes à cheval, ils se postèrent près du pont voisin, et, à leur retour de Marathon ils se présentèrent à l'improviste devant eux et les enlevèrent, après que les gendarmes qui défendaient les étrangers firent feu sur les brigands ; mais les brigands ripostèrent, et comme ils étaient nombreux, les gendarmes D. Bambalis et P. Vasilakos furent grièvement blessés et ce dernier mourut le jour suivant ; les autres, cernés par les brigands et menacés de mort, se rendirent. Les brigands s'emparèrent ensuite des susdits étrangers et des deux gendarmes, qu'ils désarmèrent et les dirigèrent vers les hauteurs ; mais en ce moment arriva une petite colonne volante de six hommes qui avaient précédemment rencontré les voyageurs, ainsi qu'ils avaient été rencontrés par un détachement de quinze hommes, qui étant à pied ne pouvaient suivre de près les voyageurs, qui marchaient en voiture. Les premiers ouvrirent aussitôt le feu contre les brigands, mais ils furent forcés de cesser leur feu par les cris des prisonniers. Après deux heures de marche, les brigands relâchèrent les femmes et le domestique, ainsi que les gendarmes, en compagnie desquels les femmes retournèrent à Athènes, et les brigands avec les autres qu'ils enlevèrent, après avoir parcouru toute la nuit différents endroits du Pentélique, ouvrirent le lendemain des négociations avec les étrangers pour leur délivrance moyennant une rançon, qui fut enfin fixée d'un commun accord à 25,000 livres sterling. Le lendemain on relâcha Lord Muncaster, qui fut envoyé à Athènes pour exécuter cette convention. Mais lorsque cette somme fut préparée et que le susdit Lord en informait Vyner pour s'entendre avec les brigands sur la manière de donner aux brigands la rançon et de mettre en liberté les prisonniers, les brigands changèrent d'avis et prétendirent aussi à l'amnistie, que les prisonniers ne voulurent pas seulement promettre, mais qu'ils repoussèrent même comme contrevenant à la Constitution, ainsi que l'avoue l'interprète Anemoyanni, en ajoutant qu'Herbert, Secrétaire de la Légation Anglaise, regardait leur capture par les brigands comme machinée par d'autres, ainsi que leur demande d'amnistie qu'ils ne soumièrent pas dès le principe comme une des conditions de leur mise en liberté, d'après la déposition même de Lord Muncaster. Alors commencèrent de nouvelles négociations entre divers particuliers et les brigands qui se trouvaient à Kéramidi, mais qui n'aboutissaient à aucun résultat ; cependant les brigands, ayant pris les susdits étrangers, se transportèrent à Oropos et insistèrent sur leurs prétentions, en menaçant de tuer leurs prisonniers dans le cas contraire. On expédia alors deux compagnies d'infanterie sous le commandement du Capitaine Apostolidi, qui arrivèrent le 8 Avril, année courante, au village de Cacosalesi, où elles campèrent à deux heures et demie des brigands ; et à leur insu le lendemain vers midi se rendit là Théagène aussi, qui avait mission de persuader les brigands d'accepter la rançon et de mettre en liberté les étrangers. Comme celui-ci annonça qu'il n'était parvenu à rien faire, on crut nécessaire de rapprocher du lieu de campement des brigands les détachements militaires pour les empêcher de fuir, et faciliter les négociations entamées pour la délivrance des prisonniers ; dans ce but ils se mirent en marche sur Oropos, mais à moitié chemin ils apprirent de deux paysans que les brigands avaient quitté Oropos et se dirigeaient sur Sicaminos, dans l'intention de transporter leurs prisonniers en Turquie, d'après la déposition d'Alex. Anemoyanni. C'est pourquoi les soldats changèrent de route et suivirent les traces des brigands. Arrivés près de la rivière Asopos, ils s'occupaient à la traverser quoique grossie par les pluies, lorsque les brigands prirent leurs prisonniers et se

dirigèrent vers Dilessi. Quelques soldats et les cavaliers ayant passé la rivière ils rencontrèrent Anemoyanni, auquel Théagène donna l'ordre de monter à cheval et de partir aussitôt pour arriver jusqu'aux brigands et leur dire de ne pas fuir, mais de revenir ainsi qu'on était convenu à Oropos pour terminer les négociations entamées pour la délivrance des prisonniers, parcequ'Anemoyanni refusait de marcher en disant que les brigands s'étaient éloignés de plus d'une heure de marche, ils ne pourraient les atteindre à pied, mais Anemoyanni refusa d'obéir [*sic*]. Les soldats suivirent alors les traces des brigands vers Dilessi, et comme ils étaient fatigués de la marche des deux jours précédents, les plus vifs et les plus agiles seulement purent s'approcher d'eux en marchant directement vers Dilessi, tandis que les cavaliers suivaient à côté. Les soldats sommèrent les brigands de mettre en liberté les étrangers, mais ceux-ci fuyaient toujours. Sur ces entrefaites ils tirèrent quelques coups de feu sur les soldats qui les suivaient. Alors deux soldats, qui précédaient les autres, aperçurent d'un côté où ils étaient arrivés que les brigands avaient commencé le massacre des prisonniers et l'annoncèrent aux soldats qui suivaient ; ceux-ci, saisis d'un désir furieux de vengeance contre les brigands, tirèrent sur eux et en les poursuivant ils tuèrent successivement le Chef de bande Christos Arvanitis et les brigands Elie Stathaki, Soter Zomas, Léon Phermani, et Mitros Tzacania, après avoir tué précédemment Jean Janari ou Gheroyianni et Georges Catarahia qui tuèrent Herbert avant le conflit, et prirent Al. Tzouni ou Hormova, blessé, et poursuivirent jusqu'à la nuit que les autres, profitant de l'obscurité, prirent une direction inconnue. Le lendemain on trouva et on arrêta les brigands Photios Iconomos, Périclès Lioris ou Viliotis, et Costas Monahos, qui déposent que de ceux qui échappèrent Tacos avait été blessé à la tête, Apostolos Caravidas au cou, et Démos Patzaouraki à la main droite. Dans les poches de Christos Arvanitaki et d'un autre brigand ont été trouvées deux lettres dont la première a trait à l'acte de brigandage exposé plus haut et laisse voir l'existence de relations et d'entente entre la bande des Arvanitéos et personnes.

Le meurtre des étrangers capturés est constaté aussi par les aveux des brigands arrêtés Al. Tzouni ou Hormova, Périclès Lioris ou Viliotis, Constans Monahos et Photios Iconomos, qui déposent qu'Herbert a été d'abord tué par les brigands Gheroyianni ou Janaris et Catarahia, qui l'accompagnaient parcequ'il ne pouvait marcher de conserve avec les brigands qui marchaient en avant, ayant reconnu aussi le yatayan déposé et ensanglanté de Catarahia, ensanglanté à la lame et assurant qu'on se servit de ce yatayan pour le tuer et qu'il n'était pas d'abord ensanglanté ; Lloyd a été tué par Elie Stathaki au commencement du conflit, ensuite furent tués par d'autres brigands qu'on n'a pas encore pu spécifier Boyl et Vyner. Ceci est encore confirmé par l'endroit dans lequel on trouva les cadavres des malheureuses victimes, dont celui d'Herbert a été trouvé le premier près des cadavres des brigands Catarahia et Janari, tués par les soldats un moment après le massacre d'Herbert ; à environ trente pas du cadavre de ce dernier on trouva celui de Lloyd, et à une portée de fusil de celui-ci celui de Vyner ; vers le soir on trouva le cadavre de Boyl. D'où il appert clairement que les susdits ont été tués l'un après l'autre et à mesure qu'ils ne pouvaient marcher avec les susdits brigands.

De ce qui a été exposé plus haut il résulte qu'on réunit assez de preuves pour le renvoi des accusés devant la Cour d'Assises pour les actes coupables dont on les accuse. L'affaire étant dûment instruite on peut, en ce qui concerne les auteurs du crime, séparer leur procès de celui des complices parceque l'instruction se poursuit et que ceci ne peut préjudicier en rien.

En conséquence le Procureur du Roi a proposé de renvoyer devant la Cour d'Assises formée dans la circonscription judiciaire de la Cour d'Appel d'Athènes les nommés :— 1, Tacos Arvanitis ; 2, Apostolos Caravidas ; 3, Nikitas Scaltzopoulos ; 4, Nassos Boutzaclis ou Tzoumbroucas ; 5, N. Floros ou Tzitzis ; 6, Démos Patzaouraki ou Pliassis ; 7, Stathis Xephroudos ; 8, Démétrius Zarcada ; 9, Séraphim Phoussekis, ou Scoumangoulis, ou Chrissaropoulos ; et 10, Constant. Scantzouris, repris de justice ; et 11, Alexis B. Tzounis ; 12, Constans Monahos ; 13, Périclès Lioris, ou Viliotis ; et 14, Photios Iconomos, tous brigands préventivement détenus pour être jugés comme inculpés de s'être depuis l'année passée—

I. Réunis et avoir formés une bande de brigands pour accomplir plusieurs actes coupables de genre et d'espèce non encore déterminés, et ainsi vers le 30 Mars, année courante, dans le lieu Pikermi de Marathon—

I. Ayant voulu de leur propre mouvement prendre en leur possession les biens meubles d'autrui et les retenir injustement comme leur propre bien, ils tombèrent tous sur Lord Muncaster et sa femme, sur Lloyd, sa femme et sa fille, sur Herbert, Vyner, et son domestique, sur Boyl, et leur escorte, P. Vasilakos, D. Bambali, Athanase Bulgaris, et D. Bouyouca, qui traversaient la voie publique d'Athènes à Marathon, et armés, et faisant usage de leurs armes, ils arrachèrent divers effets précieux aux susdits ;

2. D'avoir forcé par la violence l'autorité à manquer à des ordres relatifs à son service, c'est-à-dire, qu'ils forcèrent les susdits gendarmes d'abandonner les personnes qu'ils accompagnaient ainsi que cela a été dit plus haut ;

3. D'avoir prémédité, et exécuté après préméditation, un meurtre sur la personne du gendarme, P. Vasilakos, en le blessant de leurs armes, et d'avoir attenté à la vie des autres gendarmes, en faisant un acte extérieur, contenant un commencement d'exécution, c'est-à-dire, en déchargeant sur eux leurs armes pleines de balles et de poudre, mais n'ayant pas atteint leur but à cause de circonstances indépendantes de leur volonté, et blessant toutefois au menton D. Bambali ; et

4. D'avoir arrêté violemment, et sans le moindre droit, les susdits personnes, et de les avoir amenées dans divers endroits de l'Attique, de manière à les soustraire à la protection du Gouvernement, d'avoir employé des violences et des menaces pour les forcer à leur donner de l'argent dans le but de faire un gain illicite ; et—

II. D'avoir, le 9 Avril, dans le territoire du village de Sicaminos, forcé, par des actes de violence, l'autorité à suspendre les ordres ayant trait au service, c'est-à-dire, d'avoir tiré sur les soldats qui voulaient délivrer les susdites personnes qu'ils avaient enlevées—

1. Dans l'intention d'exécuter avec préméditation un meurtre sur ces militaires, c'est-à-dire, sur Spino Bon, &c., ils firent un acte extérieur, contenant un commencement d'exécution, c'est-à-dire, qu'ils déchargèrent sur eux leurs armes pleines de balles et de poudre, mais, par des circonstances indépendantes de leur volonté, ils n'atteignirent pas leur but ; et

3. D'avoir tué avec préméditation les susdits Herbert, Lloyd, Boyl, et Vyner avec des yatayans et des armes à feu ;

D'ordonner la durée de la détention préventive d'Alexis Tzounis et des autres détenus préventivement jusqu'à ce qu'ils aient répondu de l'accusation dirigée contre eux, et la force de la prise de corps sous le No. 9 délivré par le Juge d'Instruction, A. Ghion, contre Tacos Arvanitaki, &c., répris de justice, et leur emprisonnement, dès que leur arrestation pourra se faire jusqu'au jugement de l'accusation dont il s'agit, et d'ordonner la séparation, dans cette affaire, des complices. De suspendre toute poursuite criminelle contre Christos Arvanitaki et N. Coutzodrako, Chefs des brigands, et contre les brigands Mitros Kenourio, ou Cordolémis, Soter Arvanitovlakaki, Elie Stathaki, Soter Zomas, Jean Phermani, Mitros Tzakanica, Georges Catarahia, et Jean Janari, ou Gheroyanni, comme ayant été tués.

L'ayant entendu oralement développer en Conseil sa proposition préexposée ; et,

Après sa sortie de la salle des délibérations,

Ayant consulté le dossier,

Délibéré d'après la loi,

Attendu que les raisons alléguées par le Procureur du Roi dans sa proposition préexposée sont justes, légales, et conformes aux événements que l'instruction a mis au jour et comme tel admis même par cette Chambre des Mises en Accusation ;

Attendu que ces faits sont prévus et punis par les Articles 66, 363, 364, §§ 2 et 3, 169, § 1, 47, 49, 288, 321, 368, et 109 du Code Pénal ainsi conçus ;

(Suivent les dispositions des Articles précités du Code Pénal qui punissent de la peine de mort les coupables des faits susmentionnés) ;

Attendu que les nommés Alexis B. Tzounis, Constans Monahos, Périclès Lioris ou Viliotis, et Photios Iconomos sont préventivement détenus, et que contre Tacos Arvanitis, chef de bande, Apostolos Caravidas, Nikitas Scaltzopoulos, Nassos Moustoclis ou Stoumbrouko, Nicolas Floros ou Tzitzis, Démos Patzaouraki ou Pliassa, Stathis Xephloudos, Démétrius Zarcadas, Séraphim Phousseka ou Scamangoula ou Chrissaropoulos, et Const. Scantzouri, a été délivrée sous le No. 11, année courante, un acte de prise de corps par le Juge d'Instruction, A. Ghion, et que par conséquent il faut ordonner la durée de la détention préventive des quatre premiers jusqu'à la fin du jugement pour les crimes dont ils sont accusés, et la force de la susdite prise de corps du Juge d'Instruction, A. Ghion, contre les autres dix répris de justice.

Pour ce :

Vu aussi les Article 291, §§ 4 et 2, du Code de Procédure Criminelle ;

Renvoie devant la Cour d'Assises formée dans la circonscription judiciaire de la Cour d'Appel d'Athènes les nommés : 1, Tacos Arvanitis, chef de bande ; 2, Apostolos Caravidas ; 3, Nikitas Scaltzopoulos ; 4, Nassos Boutzakli ou Tzoumbrouka ; 5, Nicolas Floros ou Tzitzis ; 6, Démos Patzaouraki ; 7, Stathis Xephloudas ; 8, Démétrius Zarcadas ; 9, Séraphim Phoussekis ou Scamougoula ou Chrissaropoulos ; 10, Constantin Scantzouris, répris de justice ; 11 (1), Alexis B. Tzounis, né à Kyriaki d'Epire, de demeurant à Livadie, âgé de 25 ans, ci-devant garde-champêtre ; 12 (2), Constans Monahos, né à Caïta et

demeurant à Tréli, village de Turquie, âgé de 25 ans, ci-devant berger ; 13 (3), Périclès Lioris ou Viliotis, né et demeurant à Villia, âgé de 22 ans, ci-devant berger ; 14 (4), et Photios Iconomos, né et demeurant à Breliana, de l'Etat Ottoman, tous brigands préventivement détenus, pour être jugés comme inculpés depuis l'année passée —

I. De s'être réunis et avoir formé une bande de brigands pour accomplir des actes coupables de genre et d'espèce non encore déterminés, et ainsi le 30 Mars, année courante, à Pikermi de Marathon ;

1. Ayant voulu avoir en leur possession des biens meubles d'autrui et les retenir injustement comme leur propre bien, ils tombèrent tous sur Lord Muncaster et sa femme, sur Lloyd, sa femme et sa fille, sur Herbert, Vyner et leur domestique, sur Boyl, et leur escorte, composée de P. Vassilakos, D. Bambali, Ath. Bulgaris ; et D. Bouyouca, qui traversaient la voie publique d'Athènes à Marathon, et armés et faisant usage de leurs armes, ils arrachèrent divers effets précieux des susdites personnes ;

2. Ils forcèrent, par la violence l'autorité à manquer à des ordres se rattachant à son service, c'est-à-dire, qu'ils forcèrent les susdits gendarmes d'abandonner les personnes sus-mentionnées qu'ils accompagnaient ;

3. Ils commirent un meurtre avec préméditation sur la personne du gendarme P. Vassilako, en le blessant de leurs armes, et faisant un acte extérieur contenant un commencement d'exécution, c'est-à-dire, qu'ils déchargèrent sur eux leurs armes pleines de balles et de poudre, mais manquèrent leur but, par des circonstances indépendantes de leur volonté, en blessant au menton D. Bambali ; et

4. Ils arrêtaient violemment et sans le moindre droit les personnes sus-mentionnées et les transportèrent en divers endroits de l'Attique, de manière à les soustraire à la protection du Gouvernement, ils employèrent la violence et les menaces pour les forcer à leur donner de l'argent dans le but de faire un gain illicite : et

II. Le 9 Avril, année courante, dans le territoire du village de Sicaminos ils forcèrent par voies de fait l'autorité à manquer aux ordres ayant trait à son service, c'est-à-dire, qu'ils firent feu sur les soldats qui cherchaient à délivrer les personnes que les brigands avaient capturées ;

2. Ils avaient conçu le dessein de commettre un meurtre avec préméditation contre ces militaires, c'est-à-dire, contre le nommé Bon, &c., ils firent un acte extérieur, contenant un commencement d'exécution, c'est-à-dire, qu'ils déchargèrent sur eux leurs armes pleines de balles et de poudre, mais qu'ils ne manquèrent leur but que par des circonstances indépendantes de leur volonté ; et

3. Ils tuèrent avec préméditation les susdits Herbert, Lloyd, Boyl, et Vyner, avec des yotoyans et des armes-à-feu :—

Ordonne la durée de la détention préventive des nommés Alexis B. Tzounis, Const. Monahos, Périclès Lioris ou Viliotis, et Photios Iconomos jusqu'à fin du jugement de l'accusation dont il s'agit dirigée contre eux ;

Ordonne la durée de la force de la prise de corps sous le No. 11, année courante, délivrée par le Juge d'Instruction, A. Ghion, contre Tacos Arvanitis, chef de bande, Apostolos Caravidas, Nikitas Scaltzopoulos, Nassos Moustaclis ou Toumbrouki, Nicolas Floros ou Tzitzis, Démétrius Patzaouraki ou Pliassis, Stathis Xephloodas, Démétrius Zarcadas, Séraphim Phoussekis ou Scamangoula ou Krissaropoulos, et Constantin Scantzouris, brigands, répris de justice, et leur détention préventive dès que leur arrestation pourra se faire jusqu'à la fin du jugement de l'accusation dirigée contre eux ;

Ordonne la séparation de l'affaire en question des complices ;

Cesse toute poursuite criminelle contre Christos Arvanitis et N. Coutzodrakos, chefs de bande, et contre les brigands Mitros Kenourios ou Cordolémis, Soter Arvanitovlakaki, Elie Stathaki, Soter Zomas, Jean Phermani, Mitros Tzacanica, Georges Catarahia, et Jean Janari ou Ghéroyiannis, comme ayant été tués ;

Charge de l'exécution du présent Arrêt le Procureur du Roi près ce Tribunal.

Fait et donné à Athènes, le 27 Avril, 1870.

Les Juges,
(Signé) M. ANTONIADIS.
SP. EVLAMBIOS.
SP. EUCLIDE.
Le Sous-Greffier,
B. I. COCONIS.

Inclosure 2 in No. 5.

Mr. Erskine to M. Valaority.

Sir,

Athens, May 25, 1870.

I HAVE been directed by the Earl of Clarendon to call your attention to a statement made to me by Mr. Noel, reflecting on the conduct of the Nomarch of Chalcis.

In a letter dated Chalcis, the 22nd ultimo, Mr. Noel informs me that on the afternoon of the 21st of April (N. S.), when he had been requested by me to proceed to Oropos on a matter of life and death, and with the full assent of the Hellenic Government, he applied to the Nomarch to lend him the Government boat "Methoni" for that purpose, as the "Affroessa" was not then available. The Nomarch, as you will perceive by the note of which a copy is inclosed herewith, pleaded some frivolous excuse to evade compliance with this request, and the consequence was that Mr. Noel was unable to get to Oropos in time to be of any use.

The refusal of the Nomarch was the more inexcusable as he was well aware of the urgent nature of Mr. Noel's business, and he had already been authorized by the Minister of Marine to afford Mr. Noel any assistance in his power.

I cannot doubt, Sir, that you will agree with Her Majesty's Government that this incident should not be overlooked in the inquiry now pending, and that you will take measures to compel the Nomarch to give a strict account of his conduct in the matter, and that, if necessary, it may be visited by some unmistakeable mark of displeasure on the part of the Hellenic Government.

I avail, &c.

(Signed) E. M. ERSKINE.

No. 6.

Mr. Erskine to the Earl of Clarendon.—(Received June 2.)

My Lord,

Athens, May 25, 1870.

WITH reference to your Lordship's telegram of the 20th instant, I have the honour to transmit herewith translations of a whole series of public documents bearing on late occurrences, which have been communicated to me by the Greek Government. The greater portion of these papers have not, as far as I am aware, appeared in print, the two last only being extracts from the newspapers.

The following is a list of the documents in question, viz. :—

1. April 19. Colonel Théagénis to M. Zaïmis.
2. " 19. Colonel Théagénis to Captain Apostolides.
3. " 20. Captain Apostolides to Colonel Théagénis.
4. " 21. Council of Ministers to Colonel Théagénis.
5. " 21. Colonel Théagénis to M. Zaïmis.
6. " 21. M. G. Œconomides to Colonel Théagénis.
7. " 21. C. Privileggio to M. Zaïmis.
8. " 21. Captain of "Affroessa" to the Minister of Marine.
9. " 21. Eparch Megapanos, &c., to M. Zaïmis.
10. " 21. Demarch of Perea to M. Zaïmis.
11. " 22. Captain Liacopoulos to M. Zaïmis.
12. " 22. " " " "
13. " 24. Colonel Théagénis to M. Zaïmis.
14. " 24. " " " "
15. " 24. " " " "
16. Extract from "National Guard" of $\frac{1}{30}$ th April.
17. Extract from "Courrier d'Athènes" of 15th May.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure 1 in No. 6.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président, *Marcopoulo, le 17^e Avril, 1870, 9 heures du soir.*

ARRIVE ici, j'ai dépêché un homme vers les Arvanitis pour leur faire connaître mon arrivée et ma mission, et leur proposer une entrevue pour demain. Mon émissaire ne

revint que fort tard, n'ayant pas trouvé les brigands dans les cabanes du pâtre Jean Paghina, mais au village d'Oropos, où ils se sont transportés et où ils ont pris possession de trois maisons les meilleures.

Ils répondirent que je devais me rendre à Oropos dans la nuit, ou au plus tard le matin, pour conférer avec eux ; que si je tardais à y aller, je ne les y trouverais peut-être pas ; qu'en tout cas, ils y laisseraient un homme qui pourrait me conduire vers eux.

La pluie tombe sans cesse, et l'Asopus grossi mettra obstacle à ce que les brigands se dirigent vers Sycaminon, ou Délum, s'ils en ont, comme on dit, le dessein.

Demain matin j'irai à Skala, près Oropos, pour me rencontrer avec le frère des Arvanitis, qui y est venu par ordre du Préfet de l'Eubée et sur l'invitation de M. Erskine, ainsi que me l'écrit l'employé qui accompagne ce frère des Arvanitis ; c'est par son entremise que j'espère m'entendre mieux avec eux au sujet de notre entrevue.

J'ai dépêché un exprès vers le Capitaine Apostolides, qui a passé la nuit à Capandriti, pour le prier de se hâter d'occuper la position qui lui a été assignée.

Demain je vous informerai de tout ce qui aura été fait.

Votre, &c.
(Signé) THEAGENIS.

Inclosure 2 in No. 6.

Lieutenant-Colonel Théagénis to Captain Apostolides.

(Traduction.)

Mon cher M. Apostolides,

Marcopoulo, le $\frac{7}{19}$ Avril, 1870, 7 $\frac{1}{2}$ du soir.

UN homme que j'avais dépêché vers les Arvanitis et qui en revient à l'instant, m'a appris qu'ils sont allés à Oropos avec leurs prisonniers et se sont établis dans trois maisons de ce village, dont l'une appartient au Sieur Scourtanioti. C'est de là qu'ils m'ont fait exprimer le désir de me voir demain matin, car plus tard ils pourraient se déplacer. Les déplacements fréquents de ces hommes témoignent de leur inquiétude et de leurs craintes. Peut-être aussi devrait-on attribuer leurs déplacements à leur désir de ne pas trop molester les habitants d'une localité.

Cependant hâtez-vous de vous conformer à vos instructions et de remplir la mission qui vous a été confiée ; sans perdre une minute entendez-vous avec le Capitaine Liacopoulo.

Demain matin je me rendrai à Scala près Oropos.

Je vous salue ainsi que notre ami M. Krikelopoulo.

Tout à vous,
(Signé) THEAGENIS.

Inclosure 3 in No. 6.

Captain Apostolides to Lieutenant-Colonel Théagénis.

(Traduction.)

M. le Colonel,

Capandriti, le $\frac{8}{20}$ Avril, 1870, 6 $\frac{1}{2}$ heures du matin.

IL y a trois heures que j'ai reçu votre lettre ; aussitôt, l'une des compagnies sous mes ordres s'est mise en route pour Salessi.

En ce moment même je pars à mon tour avec le reste des troupes. Prenez vos dispositions et ordonnez ensuite que notre jonction soit opérée.

Tout à vos ordres,
(Signé) S. APOSTOLIDES.

Inclosure 4 in No. 6.

The Council of Ministers to Lieutenant-Colonel Théagénis.

(Traduction.)

M. le Lieutenant-Colonel,

Athènes, le $\frac{9}{21}$ Avril, 1870.

LE Maire de Peræa nous a télégraphié de Chalcis que les Arvanitis sont en route pour Sycaminon, et que, d'après les renseignements fournis par M. Noel, il est probable qu'ils se mettent sous la protection du pavillon Anglais. M. Erskine, Ministre d'Angleterre, a télégraphié à M. Noel de se rendre à Oropos et de négocier avec les Arvanitis au sujet de ce dessein qu'ils pourraient avoir.

Tout en vous faisant part de ces détails, nous vous prions de rester où vous êtes

jusqu'à ce que cette malheureuse affaire soit terminée. Nous vous transmettons en même temps les ordres que voici :—

Si les brigands se transportent au village de Sycaminon, vous ne les attaquez pas, car il y a espoir d'arriver à une entente avec eux.

Vous concentrerez à Sycaminon tous les détachements placés sous les ordres des Capitaines Liacopoulos, Apostolidès, et Ladopoulos ; vous investirez ce village étroitement et de près, afin d'empêcher quand même que les brigands n'en sortent ; et s'ils essaient d'en sortir, vous les attaquez. Il va sans dire, qu'avant d'ordonner l'attaque, vous renouvellerez aux Arvanitis les offres dont vous avez déjà connaissance par nos instructions antérieures.

(Signé)

TH. A. ZAIMIS.
CH. SOUTZO.
A. D. AVIERINOS.
G. TOMBASI.
D. SARAVAS.
S. VALAORITIS.

[N.B.—Cette dépêche a été expédiée le $\frac{9}{21}$ Avril vers le soir, et elle n'est parvenue à sa destination qu'après les événements.]

Inclosure 5 in No. 6.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président,

Marcopoulo, le $\frac{9}{21}$ Avril, 1870, 4 heures du matin.

HIER à mon retour d'Oropos, je vous ai exposé sommairement les résultats de mon entretien avec les brigands, et j'ai expédié ma lettre, ainsi que celles des prisonniers, à M. Erskine par deux gendarmes, partis pour Athènes à 6 heures et un quart du soir. Mais j'ai été fort contrarié en apprenant des hommes qui m'ont apporté les ordres en date d'hier du Conseil des Ministres qu'ils n'avaient pas rencontré ces gendarmes en chemin, ce qui me fait soupçonner qu'ils se seront arrêtés dans quelque village et y auront couché.

J'ai lu avec attention les ordres que le Gouvernement m'adresse en date d'hier, et je crois qu'il est de mon devoir de lui soumettre respectueusement, par votre organe, l'observation que voici :—

Pour qu'Oropos puisse être réellement investi, il faut au moins 300 hommes tout prêts et capables d'occuper, en une seule nuit et à l'improviste, toutes les positions, sans toutefois que la ligne que l'on avait déjà décidé d'occuper plus loin soit abandonnée. Or nous n'avons pas à notre disposition des forces suffisantes pour cela. Apostolidès avec ses hommes pourra à peine garder Salessi et les lieux circonvoisins jusqu'au rivage. Tenter une telle entreprise et n'y pas réussir, ce serait faciliter la fuite de la bande et exposer la vie des prisonniers.

Je vais me rendre aujourd'hui à Salessi, pour me concerter avec le Capitaine Apostolidès. Je tâcherai d'avoir aussi une entrevue avec le Capitaine Liacopoulo pour m'entendre également et pour trouver, à nous trois, les moyens les plus propres à assurer l'exécution de la mesure ordonnée. De là je vous tiendrai au courant de ce qui sera fait ultérieurement.

Votre, &c.

(Signé) THEAGENIS.

Inclosure 6 in No. 6.

M. Economides to Lieutenant-Colonel Théagénis.

(Traduction du Grec.)

M. le Colonel,

Scala, le $\frac{9}{21}$ Avril, 1870.

AUJOURD'HUI, de très grand matin, j'ai reçu une lettre datée d'Oropos. Elle est d'un jeune Anglais du nom de Noel, qui m'avait écrit encore hier au soir de remettre une autre missive au Commandant du vapeur de guerre et de lui dire aussi de n'opérer aucun débarquement de troupes, s'il y en avait à bord, attendu que les prisonniers se trouveraient, en pareil cas, exposés à un péril imminent, qu'il aurait plus tard à en rendre compte, lui, Commandant, &c. Il en écrivait autant au Capitaine lui-même, en y ajoutant toutefois

qu'il avait eu peine à dissuader les brigands de prendre la fuite, dès l'instant où ils soupçonnèrent qu'il y avait des troupes à bord du vapeur.

De plus, il pria le Commandant de lui faire savoir si en partant pour Chalcis il voulait le recevoir lui-même à son bord.

A la lettre de M. Noel nous avons répondu, le Commandant et moi, qu'il n'y a aucun soldat à bord, et que le vapeur qui croisait dans le golfe avait été forcé par le mauvais temps à chercher un abri dans cette rade.

M. le Commandant m'a dit de vous écrire et de vous demander si vous désirez que quelque dépêche télégraphique soit expédiée de Chalcis, où le vapeur doit se rendre à cet effet; en pareil cas, envoyez-nous votre dépêche, et j'irai, moi aussi, à Chalcis et ferai toutes les démarches nécessaires pour que dans l'espace de six heures nous ayons une réponse.

Dans six heures nous serons de retour de Chalcis avec le vapeur et nous apporterons la réponse à votre télégramme.

Veuillez me faire parvenir votre réponse par des cavaliers, si c'est possible, car le vapeur partira aussitôt que le jeune Noel arrivera d'Oropos.

Tout à vous, &c.

(Signé) G. ŒCONOMIDES.

Inclosure 7 in No. 6.

M. Privileggio to M. Zaïmis.

(Traduction du Grec)

M. le Président du Conseil des Ministres,

Athènes, le $\frac{9}{1}$ Avril, 1870.

SUR les questions sur lesquelles j'ai été invité à donner mon avis, et qui sont les suivantes :—

1. Est-il possible de convoquer une Cour d'Assises au village d'Oropos ?

2. Les brigands qui s'y trouvent, pourraient-ils y être jugés contradictoirement par la Cour d'Assise qu'on y convoquerait, quoique restant en armes et se tenant en distance ?

3. Enfin, ces brigands jugés par contumace et condamnés par une Cour d'Assises quelconque, pourraient-ils être graciés après ?

Sur ces questions, dis-je, j'ai l'honneur de donner mon avis, par écrit, de même que je me suis prononcé de vive voix en présence du Conseil des Ministres :—

1. Aux termes de l'Article 410, § 2, du Code d'Instruction Criminelle, le Gouvernement peut, pour des motifs graves, convoquer une Cour d'Assises en quelque lieu qu'il le juge convenable, pourvu seulement qu'en ce lieu il y ait tout ce qu'il faut pour le fonctionnement d'une Cour d'Assises, c'est-à-dire, un dépôt où les accusés puissent être transférés et gardés jusqu'au jour de l'audience, un local tant soit peu approprié aux besoins de la Cour qui y siègera, et, avant tout, un assez grand nombre d'habitants, de ceux qui, aux termes de la loi, ont qualité pour remplir les fonctions de jurés, afin que l'on puisse prendre parmi eux autant de personnes qu'il faudrait pour compléter au besoin le nombre voulu de jurés ordinaires et supplémentaires, conformément à l'Article 63 de la Loi sur l'Organisation des Cours et Tribunaux. Or, je pense qu'il n'est pas possible que tout cela se trouve dans le village en question.

2. Les brigands ne sauraient être jugés contradictoirement par une Cour d'Assises, tant qu'ils demeureraient sous les armes et tout en se tenant à une certaine distance de la Cour, puisque l'un des actes les plus essentiels de l'instruction préalable en matière criminelle est l'emprisonnement préventif des accusés (Articles 207 et 216, § 1, du Code de l'Instruction Criminelle), et que, en comparaisant à l'audience, les accusés ne sont pas chargés de chaînes, il est vrai, mais se trouvent néanmoins placés sous la garde de la force armée; les Articles 374 et 422 *in fine* du Code d'Instruction Criminelle sont formels à cet égard. Dès lors, il est incontestable que les accusés doivent non seulement être sans armes, mais encore être sous la main de la justice criminelle et à son entière disposition.

3. Les brigands dont il s'agit peuvent, certes, être jugés par contumace, et condamnés par n'importe quelle Cour d'Assises; mais des individus condamnés par contumace ne sauraient être graciés, attendu que d'abord, celui qui encourt une condamnation par contumace pour ne s'être pas rendu à l'appel de la justice, et qui dès-lors est rebelle à la loi, suivant l'expression des jurisconsultes Français, n'est pas digne de la faveur du Souverain, et que, en outre, la grâce, à la différence de l'amnistie qui met fin à toutes poursuites, n'a d'autre effet que de soustraire le condamné à la peine qu'il a encourue, quand l'arrêt qui l'en a frappé est devenu définitif et irrévocable; or, un arrêt rendu par contumace ne le devient qu'à l'expiration du délai fixé pour la prescription, à savoir, vingt

ans à partir du jour où il a été rendu. C'est pourquoi, dès que, avant l'expiration de ce terme de vingt ans, l'individu condamné par contumace s'est présenté volontairement ou a pu être arrêté, il est de plein droit jugé contradictoirement par le jury. (Article 470 du Code d'Instruction Criminelle. Les lois Françaises sont sur ce point d'accord avec notre législation : voir Bonneville, p. 127 ; Morin, "Dictionnaire Criminel," *in verbo* "Grâce," et Dalloz, Répertoire, au même mot "Grâce," § 19.)

Pour ce qui concerne l'amnistie, je crois toute explication inutile en présence de l'Article 39 de la Constitution, qui porte, en termes formels, que le Roi ne peut accorder d'amnistie si ce n'est pour crimes politiques.

Le Procureur-Général près l'Aréopage (Cour de Cassation),
(Signé) C. PRIVILEGGIO.

Inclosure 8 in No. 6.

Captain Kyttaris to the Minister of Marine.

Chalcis, le $\frac{9}{21}$ Avril, 1870.

AUJOURD'HUI à 4 heures après-midi, en croisant près des côtes du village. Dilhessi, nous avons vu l'armée s'engager dans un combat contre la bande des Arvanitéie. Nous avons stoppé et nous avons envoyé à terre les embarcations. Les matelots armés débarquèrent, ayant à leur tête le Lieutenant Zarcas et le Commissaire Patras.

Après avoir avancé dans le bois, ils ont malheureusement trouvé le Secrétaire de la Légation Britannique tué par le sabre, et un peu plus loin, à la distance de 400 pas, ils ont trouvé, tué de la même manière, le Secrétaire de la Légation Italienne. Nous avons transporté les cadavres de ces messieurs à bord. Les soldats nous ont amené également à bord un brigand blessé, nommé Alexis B. Tsoumis, natif de Chimare. J'ai vu le jeune homme Anglais courir avec les brigands. Leur drogman s'est esquissé. Le frère du chef des brigands, appelé Christo, est mort, ainsi que trois autres de ses compagnons. C'est tout ce que nous savons pour le moment.

Le Colonel Théagénis nous a engagé à transporter les cadavres au Pirée. Nous attendons à cet effet les ordres du Ministère, ayant l'intention de visiter demain de bonne heure le lieu du combat, avec l'espoir d'y trouver d'autres blessés ou tués.

Le Commandant de "l'Aphroessa,"
(Signé) E. KYTTARIS.

Inclosure 9 in No. 6.

M. Megapanos and others to M. Zaïmis.

Yérali, le $\frac{9}{21}$ Avril, 1870, 10.30 P.M.

LA bande des Arvanitéi, poursuivie au-delà de la commune de Peræa, s'est jetée dans le district sous notre administration. La force sous nos ordres, accompagnée de citoyens, a couru de différents lieux, et s'étant ralliée elle a continué la poursuite. Trois brigands ont été tués, six autres blessés se sont cachés ; car la poursuite, qui a continué jusqu'à 8 heures du soir, ne nous a pas permis de nous occuper de leur découverte. Les brigands sauvés sont au nombre de treize, quelques uns d'entr'eux sont blessés. Le Colonel Théagénis avec le Capitaine Apostoliédès suivaient aussi. Nous ne savons pas où ils se trouvent maintenant pour les renseigner. Nous vous transmettons donc ces informations directement. Trois des prisonniers ont été malheureusement tués par les brigands. L'un deux a été tué avant le commencement de la poursuite.

(Signé) L'Eparque MEGAPANOS.
Le Capitaine LIACOPOULOS.
Le Lieutenant d'Escadron A. SOUTZO.

Inclosure 10 in No. 6.

M. Œconomides to M. Zaïmis.

A M. le Président du Conseil des Ministres.

UN combat ayant eu lieu aujourd'hui à 4½ heures de l'après midi jusqu'à 7 heures du soir, entre la force publique et les brigands Arvanitéi, nous avons trouvé quatre brigands

tués, au nombre desquels se trouve le Chef Christo Arvaniti, et Alexis Tsoumis de Chimare ; blessé. Nous avons aussi trouvé morts deux des prisonniers, dont les cadavres ont été transporté à "l'Aphroessa," à bord de laquelle a été amené aussi le brigand blessé. Le combat ayant duré jusqu'à la nuit tombante, nous ne savons pas ce que sont devenus les autres prisonniers et le reste des brigands. Les prisonniers tués sont les Secrétaires des Légations Britannique et Italienne. Le drogman Alexander s'est sauvé par la fuite.

Le Démarque de Péræa,
(Signé) **CECONOMIDES.**

Inclosure 11 in No. 6.

Captain Liacopoulos and others to M. Zaïmis.

Au Ministre de l'Intérieur.

Schimatari, le $\frac{10}{2}$ Avril, 1870, 10 A.M.

APRES notre télégramme d'hier soir, nous avons trouvé tués les brigands suivants :— Christo Arvaniti, Chef ; Tzakanika, Zioma, Jean Verphani, Elie Stathakis, Katarakias, et Yeroïanni. Alexis de Chimara a été pris prisonnier et transporté à bord du bateau-à-vapeur. Il y a neuf brigands en tout qui se sont sauvés du nombre de vingt-et-un qu'ils formaient. Dès le matin l'armée, accompagnée de citoyens, s'occupe à la découverte des blessés et des autres survivants.

(Signé) Le Capitaine **LIACOPOULOS.**
L'Eparque **MEGAPANOS.**
Le Lieutenant de Gendarmerie **KRIKELOPOULOS.**

Inclosure 12 in No. 6.

Captain Liacopoulos to M. Zaïmis.

(Confidentielle.)

M. le Président,

Schimatari, le $\frac{10}{2}$ Avril, 1870.

NOUS informons d'abord votre Excellence que les prisonniers ont été mis à mort par les brigands, avant que l'attaque contre eux eut commencé. Quelques hommes des deux compagnies envoyées d'Athènes ont ouvert le feu, mais tous les résultats sérieux obtenus plus tard sont dûs aux détachements mobiles arrivés de Thèbes, sans lesquels même les brigands tués ou pris auraient échappé. Si M. Théagénis ne nous eût donné des ordres contradictoires, et s'il nous eût laissé dans les positions que nous avons occupées, je crois que tous les brigands, sans en excepter un seul, auraient péri. Je porte ces faits à votre connaissance uniquement à fin que des informations inexactes ne vous soient pas transmises plus tard, ainsi que cela est arrivé pour la rencontre précédente.

Nous continuerons de donner la chasse aux bandits ; aujourd'hui nous nous occupons à dépister ceux qui, blessés ou non, ont pu se cacher. M. le Sous-Préfet a secondé nos efforts avec zèle pendant tout ce temps, et les seconde toujours.

Recevez, &c.
(Signé) **B. LIACOPOULOS.**

Inclosure 13 in No. 6.

Lieutenant-Colonel Théagénis to M. Zaïmis.

(Traduction.)

M. le Président,

Délium, le $\frac{12}{24}$ Avril, 1870.

AU reçu de votre dépêche télégraphique concernant l'envoi des deux cadavres, je me suis rendu ici incontinent, mais les deux corps avaient déjà été transportés à Athènes depuis avant-hier.

Vers le soir est venu aussi le Secrétaire du Lord Muncaster pour rechercher ces corps, et il va repartir par le paquebot sur lequel ils ont été embarqués et qui est arrivé ce matin à 5 heures.

Les cercueils où les corps ont été placés sont malheureusement d'une confection détestable, faute de bon matériel ; c'est même à grand'peine que le Sous-Préfet Mégapanos a pu procurer celui qui a servi à les confectionner.

Ce brigand capturé, dont il était question dans mon télégramme d'hier, s'appelle Photis Economos ; il est originaire du village Mikra Kanhena, situé sur le territoire Ottoman.

Votre, &c.
(Signé) **THEAGENIS.**

Inclosure 14 in No. 6.

Lieutenant-Colonel Théagenis to M. Zaïmis.

M. le Président,

Schimatari, le 19^o/₂ Avril, 1870.

CE que nous craignons est malheureusement arrivé. Tous nos efforts pour sauver les infortunés captifs ont échoué contre la férocité des malfaiteurs. Après le meurtre des prisonniers et les coups de feu tirés par les brigands, il n'y avait plus ordres ni injonctions qui puissent retenir les soldats. Il est à regretter qu'au moins la destruction complète de la bande n'ait pu être opérée. Toutefois, ceux des brigands qui ont péri en étaient les hommes les plus redoutables (sauf néanmoins Taco Arvanitis, que, par erreur, on avait cru reconnaître parmi les morts et qui malheureusement n'y était pas). Si Délum avait été occupé par les troupes envoyés de Chalcis, le résultat eût été tout autre probablement, car on aurait ainsi coupé la retraite aux bandits. Le détachement posté à Délum par Liacopoulo n'a guère su tirer avantage de sa position. Il faut que la poursuite continue, mais avec plus de vigueur, pour ne pas laisser le temps à la bande de se reformer, et pour amener au contraire la destruction des hommes qui en restent, déjà déconcertés et découragés.

Je crois que ma présence ici n'est plus désormais nécessaire et je vous prie de regarder ma mission extraordinaire comme terminée.

Je vous, &c.

(Signé) THEAGENIS.

Inclosure 15 in No. 6.

Lieutenant-Colonel Théagenis to M. Zaïmis.

M. le Président,

Salessi, le 12^o/₄ Avril, 1870.

LES brigands qui restent de la bande des Arvanitis, à laquelle sont venus s'adjoindre deux nouveaux compagnons (car au lieu de 12 on en a aperçu 14), s'approchèrent, dans l'avant-dernière nuit, du village Liatani (commune de Tanagre), et dépêcha un berger vers un habitant que je connais et qui est digne de foi, pour lui demander 14 ocques de farine ; ce villageois, tout en envoyant la farine demandée, s'empressa d'en donner avis au Maire et, par lui, à M. le Capitaine Liacopoulos. Celui-ci partit, dès hier, pour Liatani et aujourd'hui il marchait sur Scourtanochori pour dépister les bandits et nous avertir ensuite, afin que je me hâte de me joindre à lui avec le Capitaine Apostolidès, qui a préparé ses hommes dès aujourd'hui.

Aujourd'hui, après l'embarquement des deux cadavres à bord du vapeur de l'Etat, j'ai quitté Délum pour venir à Liatini ; là m'étant abouché avec le villageois dont j'ai parlé plus haut, j'appris que les brigands s'étaient dirigés vers le village de Crora et ses environs, où ils ont des amis parmi les pâtres ; ils n'avaient plus de capotes, et ils étaient très abattus et profondément découragés.

Si, dans la battue que nous allons faire, nous les découvrons, leur perte est pour ainsi dire assurée, eu égard au triste état où ils sont réduits.

Les populations, qui paraissaient terrifiées après les événements d'Oropos, ont commencé à reprendre courage, quand elles ont vu combien de brigands ont été tués ces jours-ci. Si les hommes qui restent de la bande infâme sont exterminés à leur tour, les paysans se rassureront davantage, et l'existence du brigandage deviendra désormais plus difficile.

En traversant l'Asopus le 21 de ce mois, mon cheval s'embourba au moment de sortir ; en s'efforçant de se dégager il m'a peu s'en faut désarçonné et je me suis cogné très-violemment sur le pommeau de la selle, au côté gauche. La douleur que j'en ressentis ne fut pas d'abord très vive ; mais en ce moment elle devient on ne peut plus intense par suite de la fatigue et de la non-application de sangsues sur la partie contusionnée : je crains donc de ne pouvoir suivre ceux qui feront la battue en question.

Le chapelet donné par Lady Muncaster au Chef de bande Christo Arvanitaki a été retrouvé, et j'ai prié M. le Capitaine Apostolidès de le faire parvenir à cette dame, par votre intermédiaire.

J'ai vu le brigand capturé aujourd'hui ; je lui ai adressé différentes questions ; il n'a voulu faire aucun aveu ; il a deux blessures, dont l'une est dangereux.

Votre, &c.

(Signé) THEAGENIS.

P.S.—Parmi les brigands en fuite, il y en a un du village du Villia ; cet homme est blessé à la jambe, ainsi que l'a affirmé l'individu qui a vu ceux qui restent de la bande décimée.

L'adjonction de deux nouveaux compagnons est inconcevable, surtout après l'échec que la bande a essuyé en dernier lieu.

Inclosure 16 in No. 6.

Extract from the "National Guard" of April $\frac{18}{30}$, 1870.

(Translation.)

(Telegram.)

To the Nomarch of Phiotis, Lamia.

ENDEAVOUR to ascertain whether it is true that a part of the band of the Arvanitei has crossed into Turkey. Vigorously enforce measures for security now ; the season is suitable.

Athens, ^{March 21}
April 2, 1870.

The Minister of the Interior,
(Signed) TH. A. ZAIMIS.

(Telegram.)

To the Commander of the Flying Column of Thebes, M. B. Liacopoulos, Thebes.

ACCORDING to last news the brigand band of the Arvanitei is sojourning in Megaris, and particularly in Edyllia ; come to an understanding with the authorities of Megaris, and take energetic steps to render the pursuit successful, by going over the extent of your jurisdiction.

Athens, ^{March 25}
April 6, 1870.

The Minister of the Interior,
(Signed) TH. A. ZAIMIS.

To the Eparch of Megaris, Megara.

I HEREWITH communicate to you the telegram sent to the Commander of the flying-column of Thebes, and I request you to take, in concert with him and the Sub-Mirarch Smyrli, the most energetic measures for the discovery and pursuit of the band of the Arvanitei.

Athens, ^{March 25}
April 6, 1870.

The Minister of the Interior,
(Signed) TH. A. ZAIMIS.

To the Eparch of Megaris.

WITH reference to my despatch of yesterday's date, I again recommend to you the greatest activity in the discovery and destruction of the brigand band of the Arvanitei, who for the last two months have been sojourning in your district, before the suitable season of the year for such undertaking has passed.

A rumour having been spread abroad that the brigand Chief Tacos Arvanites, wounded in the encounter at Thebes, has since died in your district, I request you to make inquiries as to the truth or otherwise of this rumour, and to report the result.

Athens, ^{March 26}
April 7, 1870.

The Minister of the Interior,
(Signed) TH. A. ZAIMIS.

M. Valavani,

*Thebes, ^{March 26}
April 7, 1870.*

TO-DAY I received your letter, and also the one of yesterday. I likewise received yesterday, about 8 o'clock, the telegram, and immediately, during the night, I sent mounted gendarmes to Villia, to the Sub-Mirarch Smyrli, and to the Demarch M. Malea, requesting from them information as to what they knew respecting the Arvanitei, &c. To-day I received their answer, in which they say that for the present there are no brigands at Edyllia ; however, Smyrli suspects the Demos of Maudea and of Chassia, and M. Malea adds the Demos of Megara, where they may probably have gone. But another friend writes to me that the band of the Arvanitei sojourns about the Demos of Megara, on the confines of Villia, so that I have again written to them, drawing their attention

towards that place, and that as soon as they should perceive anything they should write to me immediately, so that I might join them. In marching I got wet and then cold, and have had an attack of rheumatism in my legs.

(Signed) B. LIACOPOULOS.

To M. Ath. Valavani,
Chef de Section, Athens.

To the Commander of the Flying Column in Attica.

IT is suspected that a part of the brigand band of the Arvanitei is concealed between the positions of Plexiza, Ierotsikouli, Retzina as far as Daon, in the Demos of Marathon.

In informing you of this suspicion, we request you to see that strict search be made by an adequate detachment, placed under the command of Sub-Lieutenant Angheli Georgiou, and you will report upon the result.

Athens, ^{March 30}_{April 11} 1870.

The Minister of the Interior, *ad interim*,
(Signed) A. D. AVIERINOS.

Inclosure 17 in No. 6.

Extract from the "Courrier d'Athènes" of May 15, 1870.

Documents Officiels relatifs à la Bande de Brigands des Arvanitès, publiés par ordre du Gouvernement.

Le $\frac{6}{18}$ Janvier, 1870.

LE Ministère de l'Intérieur a reçu du Préfet de la Phtiotide un télégramme qui lui annonçait l'entrée dans le territoire Grec de la bande Arvanitéi, venant de Turquie, où depuis le 24 Octobre, 1869, elle était constamment restée. Aussitôt il a invité par dépêche télégraphique le Sous-Préfet de Lévadie de prendre les mesures convenables : et le Sous-Préfet a télégraphié qu'il avait pris, de concert avec le Commandant de la Colonne Mobile, les mesures requises par les circonstances. Les télégrammes ci-après font voir l'activité qui a été déployée :—

Ministère de l'Intérieur.

Une bande de brigands dits Arbanités et composé de vingt-sept individus, s'est introduite du territoire Ottoman sur le nôtre, par Kornovou la nuit dernière, en traversant le Sperchius près de Kombtades. Suivant toute apparence, elle se dirige du côté de la Locride ; j'ai prévenu le Sous-Préfet de Lévadie, le Capitaine Ladopoulos, et, par voie extraordinaire, le Maire des Thermopyles. Ils ont pris d'énergiques mesures pour la poursuivre, ainsi qu'à Hypate, où l'incursion a été connue à temps. J'espère que les mesures prises auront un résultat satisfaisant.

Lamie, le $\frac{6}{18}$ Janvier, 1870.

The Préfet de la Phthiotide,
(Signé) G. BOURZOUKIDES.

Sous-Préfecture de Lévadie, Lévadie.

Le Préfet de la Phtiotide m'annonce l'entrée des Arbanités dans notre territoire et leur descente probable dans la Locride. Entendez-vous directement avec M. Ladopoulos, et prenez les mesures convenables. Je crois qu'il est bon que vous fassiez une tournée dans l'arrondissement et que vous engagiez les autorités municipales à donner leur coopération à la force armée. Envoyez-moi immédiatement par le télégraphe toute information nécessaire.

Athènes, le $\frac{6}{18}$ Janvier, 1870.

The Ministre de l'Intérieur,
(Signé) TH. A. ZAIMIS.

Au Ministère de l'Intérieur.

Le Préfet de la Phtiotide annonce qu'une bande d'Arbanités s'est introduite du territoire Ottoman sur le nôtre par Kournovou ; elle a passé la rivière du Sperchius et elle va probablement se diriger vers la Locride. Immédiatement ont été prises toutes les mesures convenables de concert avec le Commandant de la Colonne Mobile ; des détache-

ments ont été prévenus par des exprès, ainsi que des Maires de la Léviadie et de la Locride ; le Sous-Préfet de Thèbes a été informé par le télégraphe. Je suis sur le qui vive, et je me tiens constamment en entente avec le Commandant de la Colonne Mobile.

Léviadie, le $\frac{6}{18}$ Janvier, 1870.

Le Préfet de Léviadie,
(Signé) J. PAPAZAPHIRES.

Le $\frac{8}{20}$ de ce mois (Janvier) n'ayant pas reçu de nouvelles informations relativement à la direction prise par la bande des Arvanités, le Ministre invita par une dépêche télégraphique, le Préfet de la Phtiotide et le Sous-Préfet de Léviadie de rendre compte au Ministère des mesures qu'ils ont prises. Ayant été informé des mesures qu'ils avaient prises, le Ministère a recommandé de nouveau au second de faire exactement l'application des dites mesures, vu qu'il présumait que la dite bande ayant paru à Zapantès et à Grévénos, devait se diriger dans l'intérieur, et en réponse le Ministère a reçu deux télégrammes du Sous-Préfet, auquel il a envoyé pour réponse au second des dits télégrammes un nouvel ordre transmis télégraphiquement touchant les mesures à prendre pour la sûreté de la ville, afin que la force publique placée sous les ordres du Commandant de la Colonne Mobile serve o 'application exacte des mesures ordonnées contre la bande de brigands signalée :—

Au Préfet de la Phtiotide, Lamia.

Télégraphiez les dernières informations que vous avez sur la direction qu'a prise la bande des Arvanités.

Athènes, le $\frac{8}{20}$ Janvier, 1870.

(Signé) TH. A. ZAIMIS.

Au Sous-Préfet de Léviadie.

Télégraphiez les informations que vous avez pu recueillir sur la direction qu'a prise la bande des Arvanités et sur les mesures que vous avez prises.

Athènes, le $\frac{8}{20}$ Janvier, 1870.

Le Ministre,
(Signé) TH. A. ZAIMIS.

Au Ministère de l'Intérieur.

Je n'ai reçu de plus récentes informations ni de Phtiotide ni de la Locride sur la direction de la bande des Arvanités, et le Commandant de la Colonne Mobile, qui est parti aujourd'hui pour la Locride, n'en a pas non plus. Ici nous avons pris les mesures suivantes :—

Un détachement de la Colonne Mobile de Petra, renforcé de soldats des postes de Sachos et de Kalamios, surveille dans des embuscades des positions opportunes depuis Saint-Georges Granitsiotina jusqu'à Sourpès. Un détachement de Chéronée, renforcé convenablement de soldats et d'habitants de Chéronée, occupe des positions semblables et des endroits guéables du Céphise ; et le détachement d'Orchomène, uni avec celui de Larymnès, surveille une ligne depuis Paulos Lados, Exarchos, et Polygyranès. Des détachements de la Locride, renforcés de soldats du dixième bataillon, occupent des positions suspectes, afin d'empêcher le passage des brigands. Les maires font la police à l'égard des bergers qu'ils surveillent, ils sont responsables de toute négligence. Le Sous-Préfet de Thèbes a reçu avis de s'emparer des passages du Dème d'Acréphinos. Généralement on agit activement et sans relâche.

Le Sous-Préfet de Léviadie,
(Signé) Z. PAPAZAPHIRES.

Au Ministère de l'Intérieur, Athènes.

La bande de brigands des Arvanités a paru dans la nuit d'avant-hier à Zapantès et à Grévénos, du Dème d'Oeta. Dès qu'il eut appris son apparition, le Lieutenant-Colonel Daglès se mit en marche pour la poursuivre, en prévenant également le Commandant de la Colonne Mobile du Dème d'Héraclée ; et la force militaire du Dème des Thermopyles a été augmentée.

Le Préfet,
(Signé) BOURZOUKIDES.

Au Sous-Préfet de Lévadie.

La bande des Arvanités a paru dans la nuit dernière à Zapantès et à Grévénos, du Dème d'Oetès. Le Lieutenant-Colonel Daglès s'est mis à sa poursuite. La force du Dème d'Héracléotos a été augmentée. Appliquez-vous à mettre exactement en exécution les mesures prises par vous et par le Commandant de la Colonne Mobile, suivant votre télégramme d'hier.

Athènes, le $\frac{10}{22}$ Janvier, 1870.

Le Ministre,
(Signé) TH. A. ZAIMIS.

Au Ministère de l'Intérieur, Athènes.

A l'instant le Préfet de la Phtiotide annonce par une dépêche télégraphique que la bande des Arvanités a paru dans la nuit d'avant-hier à Zapantès et à Grévénos; le Lieutenant-Colonel Daglès s'est mis à leur poursuite. J'ai transmis cette nouvelle par voie extraordinaire au Commandant de la Colonne Mobile à Drachmanios, en envoyant, comme de raison, un détachement dans cet arrondissement.

Le Sous-Préfet de Lévadie,
(Signé) Z. PAPAZAPHIRES.

Au Ministère de l'Intérieur, Athènes.

Suivant une dépêche télégraphique du Préfet de la Phtiotide, la bande de brigands des Arvanités, suivant toute probabilité, a traversé dans la nuit d'hier le Dème d'Héracléotos et est entrée dans la Locride, dans le but de se rendre à Thèbes pour y capturer des habitants et les rançonner. Le Commandant de la Colonne Mobile a été prévenu, ainsi que les chefs de détachements et les maires respectifs de cet arrondissement. Le Sous-Préfet de Thèbes a été informé par dépêche télégraphique. L'absence du Commandant de la Colonne Mobile se fait fortement sentir.

Le Sous-Préfet de Lévadie,
(Signé) Z. PAPAZAPHIRES.

Informé par un télégramme plus récent du Préfet de la Phtiotide que la bande de brigands des Arvanités est arrivée dans la Locride, et qu'elle se dirigeait vers Thèbes, le Ministère a aussitôt adressé à l'autorité administrative de la Phtiotide, de Lévadie, et de Thèbes, trois télégrammes par lesquels, d'un côté, il exprimait son étonnement au sujet du retard à découvrir la bande dont il s'agit, et de l'autre il recommandait de nouveau une vigilance continue pour parvenir à découvrir et à poursuivre cette bande; et ayant reçu en réponse par le télégraphe deux rapports du Sous-Préfet de Lévadie, et sachant que la bande était entrée dans la circonscription de cet arrondissement et qu'elle se dirigeait sur Thèbes, il s'est occupé de réitérer l'ordre que l'on prenne des mesures, et d'attirer son attention. Voici les télégrammes relatifs à ce qui précède :—

Au Ministère de l'Intérieur, Athènes.

Suivant des informations d'hier de la part du Commandant de la Colonne Mobile du Dème d'Héracléotos, dans l'avant dernière nuit, la bande des Arvanités a passé par ce Dème, d'où elle est entrée dans la Phtiotide, se dirigeant sur Thèbes, pour y commettre des actes de brigandage: j'ai immédiatement informé de cela le Sous-Préfet de Lévadie, et, par son intermédiaire, le Sous-Préfet de la Locride. Il peut se faire que cette information ne soit pas fondée. La sûreté du Département n'a reçu nulle atteinte.

Le Préfet de la Phtiotide,
(Signé) G. BOURZOUKIDES.

Le retard de la découverte et de la poursuite de la bande des Arvanités n'est pas conforme à l'intérêt de la sûreté publique. Faites avec attention tout ce qui commande la circonstance. Les Sous-Préfets de Lévadie et de Thèbes ont été invités à exciter la vigilance des divers organes de l'autorité et à faire la police.

Athènes, le $\frac{15}{27}$ Janvier, 1870.

Le Ministre,
(Signé) TH. A. ZAIMIS.

Mr. Erskine to the Earl of Clarendon.—(Received June 2.)

My Lord,

Athens, May 25, 1870.

WITH reference to my despatch of the 19th instant,* I have the honour to transmit herewith a copy of a note and of its inclosure from M. Valaority stating that M. Avierinos, on being informed of the presence of a band of brigands on the road to Marathon, immediately addressed a letter (which has already been published) to the officer commanding the flying column in Attica, but that he did not think it necessary to make any written communication on the subject to the Minister of War, because he meant to speak to him at the next Cabinet Council.

I have likewise ascertained from M. Valaority that the Prefect of Police denies having had any knowledge of the presence of the brigands in this neighbourhood until the news of the capture reached him on the evening of the 11th of April.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure 1 in No. 7.

M. Valaority to Mr. Erskine.

M. le Ministre,

Athènes, le $\frac{9}{21}$ Mai, 1870.

ME référant à la lettre que vous m'avez fait l'honneur de m'écrire avant hier, pour demander si, et à quelle heure de la journée, M. Avierinos a transmis, comme Ministre de l'Intérieur *ad interim*, à son collègue le Ministre de la Guerre l'information qu'il avait recue le ^{30 Mars}_{11 Avril} qu'une bande de brigands était cachée aux environs de Daon, je m'empresse de vous adresser ci-joint traduction de la réponse que me fit M. Avierinos à ce sujet.

Je profite de cette occasion pour réparer une erreur qui s'est glissée dans l'expédition de ma lettre précédente, celle du $\frac{6}{18}$ de ce mois. En effet, ainsi que vous le remarquez vous-même, l'arrestation des voyageurs Anglais eut lieu le ^{30 Mars}_{11 Avril}, et non le ^{30 Mars}_{12 Avril}.

Agréé, &c.

(Signé) S. VALAORITY.

Inclosure 2 in No. 7.

M. Avierinos to M. Valaority.

(Traduction du Grec.)

M. mon Collègue,

Athènes, le $\frac{8}{20}$ Mai, 1870.

AYANT pris connaissance de la note de M. Erskine en date d'hier, j'ai l'honneur de vous faire connaître, M. mon collègue, que, comme je vous l'ai déjà communiqué par ma précédente lettre, aussitôt que j'eus connaissance du soupçon que la bande des Arvanitis se cachait entre les positions Plexina, Ierotsikouli, et Retzina, jusqu'à Daon de la Commune de Marathon, je m'empressais, selon le devoir que j'avais comme Ministre de l'Intérieur, d'expédier au Commandant de la Colonne Mobile d'Attique l'ordre qui a déjà été publié, en lui prescrivant de faire toutes les recherches à l'effet de découvrir et de poursuivre la bande sus-mentionnée, sans communiquer par écrit cet ordre au Ministère de la Guerre, parceque je m'étais réservé de parler, à ce sujet, au Ministre de la Guerre au premier Conseil Ministériel qui se tiendrait. Vous connaissez que c'est l'habitude des Ministres de se concerter sur les affaires communes en se rencontrant dans le Conseil.

Je suis, &c.

(Signé) A. AVIERINOS.

No. 8.

Mr. Erskine to the Earl of Clarendon.—(Received June 2.)

My Lord,

Athens, May 26, 1870.

WITH reference to your Lordship's telegram of the 23rd instant, I have the honour to state that Alexander Anemoyanni has never been employed by Her Majesty's Legation,

* See "Greece No. 12," page 3.

in any capacity, since I have been in Greece. Shortly after the fall of King Otho, Mr. Scarlett engaged him for two or three months as an extra messenger, and I believe that he behaved in all respects properly on that occasion.

The messenger I found here, on my arrival in 1864, was a gendarme in the service of the Greek Government, also named Alexander; and, as I did not know the surname of this man, I was, until quite lately, under the impression that the Alexander Anemoyanni, mentioned as "Courier" in the Foreign Office List, was the Alexander whom I dismissed in 1866 for improper conduct with the female servants.

I have, &c.
(Signed) E. M. ERSKINE.

No. 9.

Mr. Erskine to the Earl of Clarendon.—(Received June 2.)

My Lord,

Athens, May 26, 1870.

AS I understand that your Lordship wishes to know who wrote my letter to the brigands, I have the honour to state that just as I had finished what I intended to say, and it was about to be translated into Greek by Mr. Lambros, M. Spiliotaki, the Under-Secretary of the Foreign Department, came into my room with some message from the Council of Ministers. I asked him to translate my letter into Greek, and he at once sat down and did so from my dictation, and in the presence of Mr. Lambros. The translation was then carefully gone over by M. Spiliotaki with M. Lambros, and copied by the latter for signature.

I now inclose the original paper, which remained in the hands of Alexander Anemoyanni after the flight from Sykamenon, and was returned to me by the Minister for Foreign Affairs.

I had no time to consult the Italian Minister with respect to the terms of this communication, as the messenger was about to start, and it was absolutely necessary that he should be the bearer of some paper from us, but directly afterwards I showed it to the Count della Minerva, who fully adopted it as his own.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 9.

Letter written in Greek by Mr. Erskine to the Brigands.

No. 10.

Mr. Erskine to the Earl of Clarendon.—(Received June 2.)

(Extract.)

Athens, May 26, 1870.

I HAVE the honour to transmit to your Lordship herewith Mr. Cookson's last Report upon the subject of the pending judicial inquiry, which is brought down to yesterday.

The shorthand report of the trial of the brigands has been placed, for translation into English, in the hands of Mr. Masson, a gentleman who has passed the greater part of his life in this country, and who is a most accomplished Greek and English scholar. It covers about 150 closely written octavo pages, and will take some days to translate and copy, but I hope to be able to forward it by next mail.

I have requested Captain Hillyar, the Senior Officer on this station, to send round the "Jaseur" to Chalcis and Dilessi to make a detailed survey of the neighbouring district; but as the vessel has not yet returned, I am afraid that it will not be possible to forward Commander Hotham's Report by the special messenger, who is expected from Constantinople to-night.

Captain Mansell, the well-known hydrographer, and who resides at Chalcis, has kindly, at my request, consented to give any assistance in his power to Commander Hotham; and Mr. Yates, the engineer of the "Aphroessa," has been ordered by the Minister of Marine to accompany the "Jaseur," to point out the places where the bodies were found, or to answer any questions that may be put to him.

Nothing further, I regret to say, has been heard of Tako.

Inclosure in No. 10.

Mr. Cookson to Mr. Erskine.

(Extract.)

Athens, May 25, 1870.

THE trial of the seven brigands of the Arvanitaki band—four for the murder of our countrymen, and three for previous acts of brigandage—was fixed for 10 o'clock on the 21st May. It was held in the large and handsome hall of the Barbakion (a school and archæological institute built at the expense of M. Barbaki), the ordinary Court being thought too small for the concourse which was expected.

The arrangements for preventing over-crowding and confusion were, however, so imperfect that it was found impossible to proceed with the trial at the hour fixed, and the Court was adjourned till 4 P.M. of the same day.

At that hour Mr. Allan and I, together with M. Damaschino, the legal adviser of the Legation, took the places assigned to us immediately behind the table at which the three Judges (a President and two Assessors), and the Procureur du Roi, who conducted the prosecution, were seated on a raised platform. The trial continued all night up to 5 o'clock the next morning, at which hour the whole seven prisoners were sentenced to death.

As the special shorthand writers employed by you to furnish a verbatim report of the trial have not yet completed their report, I reserve my remarks on the evidence until the detailed account can accompany them; but I think it right to observe that throughout the trial every opportunity was given to me and to Mr. Allan of putting, through the Court or the Procureur du Roi, every question which we suggested, and that nothing could be more decorous than the manner in which the whole proceedings were conducted.

No. 11.

Mr. Erskine to the Earl of Clarendon.—(Received June 2.)

My Lord,

Athens, May 26, 1870.

ON receiving the instruction contained in your Lordship's despatch of May 11, I requested the Russian Minister at this Court to convey to the Admiral commanding the Imperial naval forces in these waters the thanks of Her Majesty's Government for the kindness he displayed on the occasion of landing at the Piræus the bodies of Mr. Vyner and his companions; and I have now the honour to transmit to your Lordship a copy of the reply which I have received from M. Novikow, expressing the feelings with which Admiral Boutakoff had read your Lordship's despatch above alluded to.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 11.

M. Novikow to Mr. Erskine.

M. le Ministre,

Athènes, le 14th Mai, 1870.

C'EST avec une satisfaction réelle que j'ai transmis au chef de notre division navale dans les eaux Grecques la copie de la dépêche de M. le Comte de Clarendon que votre Excellence m'a fait l'honneur de m'envoyer par sa note du 20 de ce mois.

On ne peut [être] plus sensible aux remerciements dont le Gouvernement de Sa Majesté Britannique a bien voulu lui faire parvenir l'expression. M. le Contre-Amiral Boutakow me prie de vous assurer qu'il ne saurait se faire un mérite de la part qu'il a prise au débarquement de la dépouille mortelle de vos infortunés compatriotes.

En leur rendant les honneurs suprêmes, il croit avoir rempli le devoir le plus strict d'un marin, et il s'estime heureux d'avoir été appelé à exprimer ses profondes sympathies pour le sort des victimes en prêtant le concours du pavillon Impérial à cette douloureuse cérémonie.

Veuillez, &c.

(Signé) NOVIKOW.

Mr. Erskine to the Earl of Clarendon.—(Received June 5.)

My Lord,

Athens, May 28, 1870.

WITH reference to my despatch of the 23rd instant, I have the honour to transmit herewith a copy of the Report which has been addressed by Commander Hotham, of Her Majesty's steamer "Jaseur," to Captain Hillyar, the Senior Naval Officer on this station, upon the subject of his visit to the scene of the late disaster near Dilessi, and likewise a tracing of the chart of that district on which Commander Hotham has marked the spots where each of the victims was killed. There was not time to prepare copies of these papers for the messenger who left yesterday morning.

I regret to say that Commander Hotham was suffering severely from an inflammation of the hand whilst engaged on this duty; and that the fatigue and exposure to the sun has so greatly inflamed the part that he is now laid up in bed, and is suffering great pain.

As soon as Commander Hotham is sufficiently well to go about again, I shall request him to have the goodness to discuss the points in his Report which require explanation with Colonel Théagénis, or any other person who can throw light upon the subject.

I have, &c.

(Signed)

E. M. ERSKINE.

Inclosure 1 in No. 12.

Captain Hillyar to Mr. Erskine.

Sir,

"Royal Oak," Salamis Bay, May 27, 1870.

I HAVE the honour to forward herewith a copy of the proceedings of Commander Hotham, of Her Majesty's gun-vessel "Jaseur;" also copies of a chart furnished to me by him.

I have, &c.

(Signed)

H. HILLYAR.

Inclosure 2 in No. 12.

Commander Hotham to Captain Hillyar.

Sir,

"Jaseur," off Piræus of Athens, May 26, 1870.

IN compliance with your orders dated 21st instant, I left the Bay of Salamis on the morning of the 22nd May, and at 6 P.M. of the same evening I anchored off Chalcis. On the following morning I waited upon M. Michalopoulos, the Nomarch, and explained to him that my orders were to visit the districts of Oropos and Dilessi, for the purpose of making a plan of the scene of the late unfortunate occurrence, and of collecting any further information from the inhabitants of the villages that might be of interest. I requested that an escort might accompany me whilst carrying out this duty, and I also informed that gentleman that it was my intention to land such of my crew as I thought necessary, armed. He then told me that arrangements would be made for a party of soldiers accompanying me, and proffered no objections to my men being landed. During the afternoon the Nomarch called upon me, and stated that a party of twelve men would be embarked the following morning on board the Greek gun-boat "Aphroessa," and sent down with us; and the commander of that vessel kindly offered the assistance of any of his men to reinforce the escort, or to point out the localities where the bodies of the victims had been found. I requested the Nomarch to write to the Demarch of Oropos, and inform him of the cause of my visit, in order that the villagers might not be alarmed at the presence of armed men of a foreign nation among them.

2. At 11 P.M. on the 23rd May I received a message from the Nomarch, to say that, if I wished, the escort could go down in the "Jaseur" instead of the Greek gun-boat. Acting upon which, at 4 A.M. of the 24th I embarked twelve soldiers, the English engineer Mr. Yates, and two seamen of the gun-boat, and left for the Scala, or port, of Oropos, arriving there at 7 A.M.

3. Taking with me three or four officers, ten men of the "Jaseur," and the Greek escort and sailors, I left the Scala about 8 A.M., and after a three miles' march through a

cultivated corn plain, we arrived at Oropos, a village situated on a hill just where the range begins to rise. About forty houses compose this place. The range of hills is here intercepted by deep gullies, partially cultivated. Remaining in Oropos about an hour we pushed on towards Sykamenon,—the road, a foot track, winding along the foot of the range, which range is broken by the River Asopus. About two miles from Oropos the tract crosses the river, and immediately above, on the north bank, stands the village of Sykamenon (overlooking the plain of the Asopus), somewhat smaller than Oropos.

4. From this village to Dilessi (ancient Delium) the country is intersected by deep gullies and watercourses; near the village small pine plantations are frequent; further on brushwood of the arbutus species, wild thyme, and a kind of heather. We had no difficulty in getting along without a beaten track. The distance between Sykamenon and Dilessi, I estimate (as walked) about seven miles; at Dilessi again, there is a watercourse which breaks the ridge. Following this upward in the direction of Schimitari there are, for about two miles, patches of cultivation and small pine plantations; but the country in general is covered with the brushwood already alluded to. Here again, as far as the high ranges, the country is undulating, but generally uncultivated.

5. Having given an outline of the country, I now proceed to detail the movements of the robbers with their prisoners, from the time of their leaving Oropos on the afternoon of the 21st ultimo.

6. This account is entirely obtained from the peasants met with, and I have avoided in every way considering any reports previously perused on this subject, as also entering into any of the military movements; considering that reliable information on those points can only be obtained from the officers in command of the detachments.

7. A Greek gun-vessel being at anchor at the Scala of Oropos, and also the fact of a person having come from the troops about 11 A.M. of the 21st April, as also perhaps what passed at an interview with Colonel Théagénis and Mr. Noel, seem to have made Takos decide upon quitting Oropos for Sykamenon.

His prisoners tried to persuade him to remain at Oropos, and he seems to have half promised them to return thither in three days' time. From what I can learn the brigands had no idea that the troops were so near, and I understand that they constantly walked about when in Oropos without arms.

8. Takos, and Christos Arvanitis his brother, seem to have differed (after the interview with Mr. Noel), the former wishing to accept the ransom alone, but Christos objecting to such a proceeding, on the ground that if they did so without any amnesty they would be immediately hunted down and killed.

9. On the 19th and 20th of April, Takos seems to have been kind in manner towards his prisoners; but changed after his meeting with Colonel Théagénis. It was then he seemed to take an angry tone, to which, on the morning of the 21st, was added suspicion,—he permitting no one to leave the village of Oropos without satisfying himself of their destination and business. About 2:30 P.M. of that day, the brigands left Oropos for Sykamenon in two parties each, within five minutes of each other, the robbers saying good-bye to the inhabitants, and telling them they would be back on the next Sunday.

The prisoners appear to have been much distressed on leaving Oropos. No soldiers at all were seen from Oropos on the 21st; but after the prisoners and brigands had gone about 100 yards from that place, a policeman in disguise arrived in the village, and almost immediately left again in the direction of Kako-Salessi.

The band and prisoners arrived at Sykamenon between half-past 3 and 4 o'clock, having been delayed a long time crossing the River Asopus, owing to a heavy fresh. After they had been in this village from a quarter to half-an-hour, the two sentries posted on the hill above, seeing the troops coming down over the range, on the opposite side of the river, gave the alarm, shouting out some word, the meaning of which I could not get accurately translated into English, but which would seem to imply, "We are betrayed, or surrounded." Takos, his band, and prisoners immediately started off towards Dilessi, taking with them thirteen peasants, who all managed soon to escape. I can only surmise that the carrying away of these men was to prevent the troops firing upon them.

About a quarter of an hour after the brigands had left the village, the troops crossed the river, some at the ford of the village, others further up. The brigands then seem to have taken the most direct course for Dilessi, only once diverging towards the sea, probably with the intention of retracing their steps through the valley of the Asopus, and so baffling their pursuers. In the last gully before reaching the plain of Dilessi, the body of Mr. Herbert was found, about 300 yards from the beach and 600 from the large house of Dilessi. It was lying 10 yards from the footpath leading up the ravine into the brush. The country round here is covered with small thick brushwood, arbutus and small pine.

The body was lying face downwards on a small bush, and when discovered he was not quite dead, but expired almost immediately.

This spot is visible directly over the spur, from the house at Dilessi. In a parallel line to the sea, about 400 yards from Mr. Herbert's body, and 100 from the ruined house (bearing west magnetic), they despatched their second victim, Mr. Edward Lloyd. He also was lying on a small bush, quite dead. This must have occurred at about 4.45 p.m. Here the robbers divided,—one party, under Takos, taking the remaining prisoners (Mr. Vyner and Count Boyl), choosing the path leading to Schimitari; the other band, under Christos (who was shortly afterwards killed), keeping parallel to the beach. Following Takos' party up the valley, they seem to have abandoned their idea of going to Schimitari, and turned so as to leave that place on their left, making towards Deamisi. About a mile after leaving the valley, four miles from Dilessi, and about three from Schimitari, the latter place bearing about west by north, was discovered the body of Mr. Vyner, and at about 100 yards north-east of him lay the murdered Count Boyl. They must both have been killed just before dark. Very shortly after this occurrence all pursuit was stopped by night coming on with heavy rain. The troops then went into quarters at Schimitari.

10. It would be quite impossible to follow straggling bands in this country. The troops followed the brigands to a little beyond the spot where the last murders were committed; but I could gather no information whatever respecting the proceedings of the cavalry, who, from the extreme facility of the country, I should imagine could have easily overtaken the brigands.

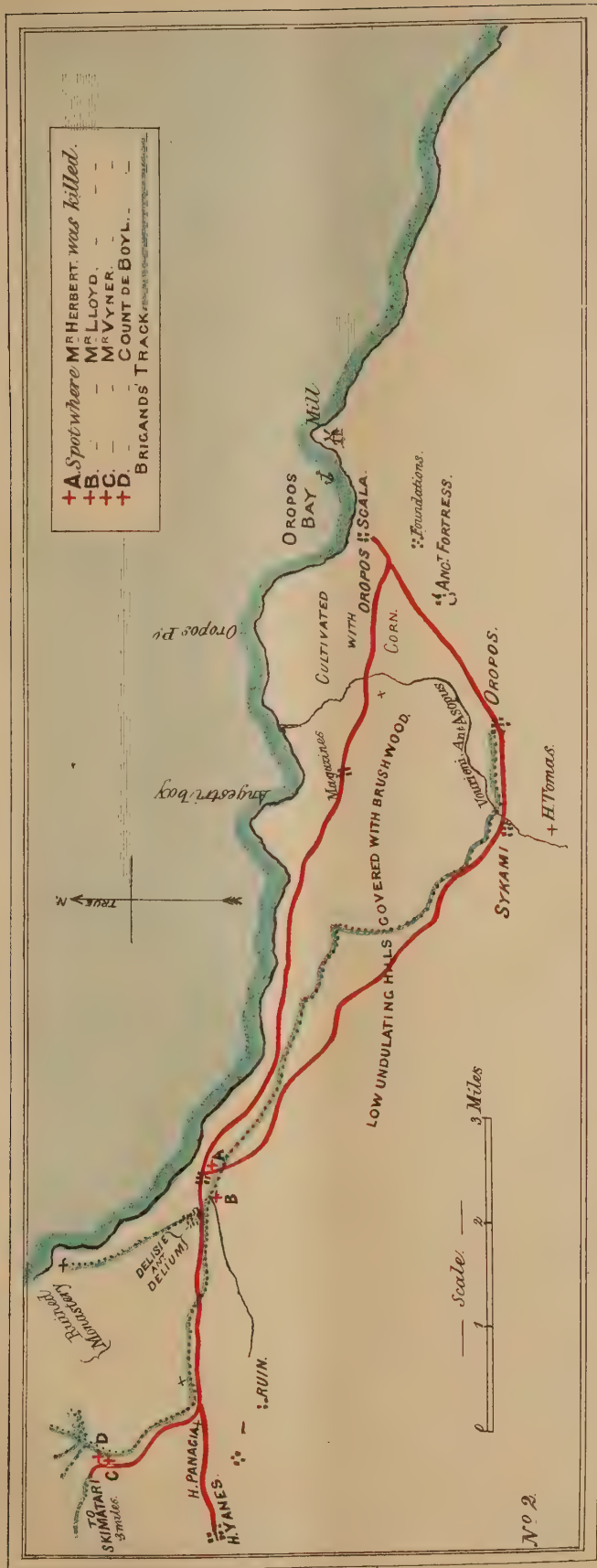
11. Having placed crosses painted white, with the initials of each victim cut on them, over the respective spots where they were murdered, I retraced my steps and re-embarked. The same afternoon I returned to Chalcis, landed the escort, Mr. Yates, and the Greek seamen, and sailed this morning early for the Piræus.

12. I cannot conclude without expressing my thanks to M. Theodoro Michalopoulo, the Nomarch of Chalcis, who gave me every assistance in his power, and also to the Commander of the Greek gun-boat. The cheerful way in which the escort performed this duty is worthy of remark. To Mr. Yates, the English engineer, I am also indebted for the assistance he rendered, which was enhanced by his knowledge of the Greek language. I regret extremely that Captain Mansell was unable, owing to indisposition, to accompany me on this occasion.

I have, &c.
(Signed) CHARLES HOTHAM.

Inclosure 3 in No. 12.

Tracing of the Chart of the District of Dilessi, showing the Spots where each of the Victims was Killed.



Approved
W. H. Wyer
 CAPTAIN

Harmon & Sons Lith. St. Martin's Lane. W.C.

Revised by Tho. H. Hayman Navigating Lieut
Philip Royal Oak

GREECE. No. 14 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS.

GREECE. No. 15 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.

1870.

LONDON:

PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.					Page
1.	Mr. Erskine to the Earl of Clarendon ..	..	..	..	May 30, 1870 1
	One Inclosure.				
2.	Mr. Erskine to the Earl of Clarendon ..	..	..	..	June 1, — 1
	One Inclosure.				
3.	Mr. Erskine to the Earl of Clarendon ..	..	..	..	June 2, — 3
	One Inclosure.				
4.	Mr. Erskine to the Earl of Clarendon ..	..	..	..	June 2, — 3
	One Inclosure.				
5.	Mr. Erskine to the Earl of Clarendon ..	..	..	..	June 4, — 29
6.	Consul Stuart to the Earl of Clarendon ..	..	..	..	June 9, — 29

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Mr. Erskine to the Earl of Clarendon.—(Received June 10.)

My Lord,

Athens, May 30, 1870.

MY time has been of late so uninterruptedly occupied on matters requiring immediate attention that I have omitted to bring to your Lordship's notice the generous conduct of M. Scalzonni, and the Directors of the Athens and Piræus Railway, on the occasion of conveying to Athens the bodies of the four gentlemen killed near Sykamenon. I inclose copy of a letter on this subject which I addressed on the 4th of May to the manager of the above-named railway.

I beg at the same time to express to your Lordship my sense of the good feeling which was displayed by the officials of the military hospital of Athens, none of whom would accept any remuneration for embalming the bodies of Messrs. Herbert and Vyner. The artillerymen, with the gun-carriages which conveyed the bodies from the train to the church, and afterwards to the Piræus, likewise declined any payment on the occasion.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 1.

Mr. Erskine to the Manager of the Athens and Piræus Railway.

Sir,

Athens, May 4, 1870.

OWING to the multiplicity of my occupations during the last few weeks, I regret to perceive that I have omitted to express to M. Scalzonni, and to the Directors of the Athens and Piræus Railway, the deep obligation under which I have been placed by their liberality in placing a special train for the conveyance to Athens of the bodies of the unfortunate victims of the late catastrophe near Oropos.

I request, therefore, that you will take an opportunity of conveying my acknowledgments both to M. Scalzonni and the Directors.

I shall not fail to report to Her Majesty's Government their generous behaviour in this matter.

I have, &c.

(Signed) E. M. ERSKINE.

No. 2.

Mr. Erskine to the Earl of Clarendon.—(Received June 10.)

My Lord,

Athens, June 1, 1870.

I HAVE the honour to transmit herewith the translation of a letter which has been addressed to me by Colonel Théagénis in regard to an expression in one of my published despatches by which he considers himself aggrieved.

I have already conveyed to your Lordship so fully my opinion as to Colonel Théagénis' high character, and the humane intentions with which he undertook the

difficult mission with which he was entrusted, that it is unnecessary I should again touch upon that subject.

On the receipt of his letter I called upon him at the house of Sir Richard Church, where he resides; but as he was out he came to see me on the following morning, when I endeavoured to convince him that personally I was now persuaded that he had done his utmost to avert the catastrophe which has caused so painful an impression throughout Europe; adding, however, that as his several statements were now in the hands of Her Majesty's Government and the public generally, it was no longer in my power materially to influence the estimate which might be formed by others of his proceedings.

I think it but fair, however, to add that General Church still thinks, as I do, that Colonel Théagénis was actuated by the most honourable motives.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 2.

Lieutenant-Colonel Théagénis to Mr. Erskine.

(Translation.)

Sir,

Athens, May $\frac{16}{23}$, 1870.

IN your despatch to Lord Clarendon of the 30th April you attribute to me a want of a spirit of conciliation in my mission to the brigands in Oropos, and that I had preferred a secondary part of my duties, namely, the investment of that place by the troops. I greatly regret that such blame should compel me to observe to you, Sir, that your opinion was based on vague depositions which investigation has clearly proved to be contrary to facts, and which investigation further proves that my very first and principal attention was given to the negotiations for the release of the captives, and not to invest Oropos: as from the outset I considered my mission as one connected with military operations, I was bound to inform the Commanders of the military detachments of the result of my negotiations, and in case of failure to invite them to put into execution the fourth Article of my instructions. The question of investing Oropos arose later, when, after my fruitless endeavours during all the day of the $\frac{8}{20}$ th of April, the brigands obstinately persisting in a demand which my instructions rejected, I considered my mission terminated, as I reported to the Premier; but an order from Government, dated the $\frac{8}{20}$ th April, which reached me at Marcopoulo on the $\frac{9}{21}$ st of the same month, made it incumbent upon me, should the brigands on the receipt of the ransom refuse to release the captives, to invest Oropos, and to renew to them, after the place had been invested, the conditions previously offered.

From this moment my mission had a different aspect; here commenced my military duties. Previous to the receipt of this order I had not come to any understanding with the detachments. The impression that the movements of the troops hastened the departure of the brigands from Oropos is very far from being a correct one; on the contrary, the deliberately planned flight of the brigands created the movement of the troops, with the view, in accordance with the orders, of impeding them from effecting this, and for this very reason troops were stationed at a distance, some of 5, and others of $2\frac{1}{2}$ hours from Oropos. Captain Liacopoulo was stationed at Schimatari in Thebes, and Captain Apostolides at Salessi in Attica. Nevertheless, whilst this movement was taking place, a spirit of conciliation still guided us, and the orders issued to the troops were dictated in this spirit,—they being forbidden to fire on the brigands, and a message being sent by Anemoyanni that the brigands, whilst remaining at Sykamenon, should not be molested, and that on the reception of the ransom they might go in safety after the release of their captives. During all this time, however, the brigands showed themselves irritable, and were only intent upon their flight. Hence it is quite clear, I think, that no conciliatory means, both in the first and in the second instance, were at all neglected by me, who was ready to make all possible concession within my power. The letter of the late Mr. Vyner to Lord Muncaster of the $\frac{8}{20}$ th April clearly proves the invariable persistence of the brigands relative to the establishment of a Court of Law at Oropos; and the last letter addressed to you by the late Mr. Herbert admits that “Noel may, I think, be of great use to us, but he seems to think that all the demands of the brigands ought to be complied with;” which clearly proves that conciliation was hopeless, because with such demands I was not permitted to comply, being in duty bound to limit my operations as prescribed by my instructions, of which you have a knowledge. I beg you, Sir, to give due weight to these observations; and in your equitable judgment you will, as I hope, be convinced that nothing was left undone by me which might possibly have contributed to conciliate those obstinate criminals, and to effect the release of the unfortunate captives.

A wild nature. such as that of the brigands, is not easily changed; such monsters listen to no words; fear only sometimes tames them.

Permit me, &c.
(Signed) B. THEAGENIS.

No. 3.

Mr. Erskine to the Earl of Clarendon.—(Received June 10.)

My Lord,

Athens, June 2, 1870.

I VENTURE to forward to your Lordship the inclosed extract from a despatch which I addressed to Earl Russell in 1864, in order to show that the object of those who framed the present Constitution of Greece was the prevention of such an amnesty being granted to brigands as that recently insisted on by the band of the Arvanitei.

I am aware that it is said, and perhaps truly, that this very Article of the Constitution has been repeatedly violated; but I possess no authentic information on this head, and can only say that it is notorious that brigands were liberated from prison and sent to Crete,—in short, that the authorities connived at their escape from the hands of justice.

I have not yet heard of a well-authenticated case of a free pardon being granted to a brigand, and of its having been pleaded as a legal bar to his being subsequently arrested and brought to trial.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 3.

Mr. Erskine to Earl Russell.

(Extract.)

Athens, December 7, 1864.

ARTICLE XXXIX limits the exercise of the Royal prerogative of mercy to political offences. This restriction has been found necessary in order to prevent the wholesale remission of punishment which successive Cabinets were in the habit of according to notorious brigands.

No. 4.

Mr. Erskine to the Earl of Clarendon.—(Received June 10.)

My Lord,

Athens, June 2, 1870.

I HAD hoped ere this to be able to forward to your Lordship a translation of the whole short-hand report of the trial of the brigands who belonged lately to the band of the Arvanitéi, but I regret to say that Mr. Masson has been unable to complete this translation as rapidly as was desirable, owing to the difficulty he had experienced in reading the handwriting of the Greek Report, and of subsequently getting the English version copied for transmission.

The copy has been made in this Legation as the work proceeded, and I have now the honour to transmit to your Lordship the thirty sheets which are ready, and which comprise the whole of the evidence as given at the trial.

This portion of the translation is the most essential, and constitutes about two-thirds of the whole Report. The remainder relates chiefly to the summing-up of the President of the Court, and the defence of the prisoners' Counsel. The latter portion will be forwarded immediately it is ready, either by way of Brindisi, on Saturday next, or at latest by this day week.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 4.

First Session and 24th Sitting of the Athens Court of Assizes for the year 1870, held in the Barbaki Gymnasium, on Saturday the 9th of May, 1870.

BEFORE 8 o'clock A.M. an immense crowd of persons of all ranks collected outside the Barbaki Gymnasium. When the doors were thrown open, about 9, there entered at first such individuals as had tickets of admission, but by-and-bye great numbers without tickets rushed in, and took possession of the seats in the Hall of Audience.

At half-past nine, N. Rados, President of the Court; Theoph. Frangopulos, and Dem. Chormovas, Judges; P. Sackellarios, Registrar; G. A. Petmezas, Procureur-Général, took their seats.

The *President* (ringing the bell). Silence, gentlemen. Let the passage be cleared, to allow free entrance. (Noise and confusion in the audience.) Open that part. (Noise and confusion continue.)

Several members of the Diplomatic Body, and the Minister of Justice, enter (10 o'clock).

President. The sitting is opened. Silence, gentlemen. Bring forward the prisoners. The gendarmes will clear the passage to let the prisoners come up to the bar.

The following prisoners are placed at the bar:—Nasios Katsounis, Kitsos Monachos, Pericles Lioris, *alias* Villiotis, Alexios Chormovas, Athanasius Tasoulas, Leonidas Kalomiris, and Photios Œconomos.

Of these only the first two, though wounded, are able to walk without assistance; the other three, being wounded in the feet, are carried by soldiers; and the last two, being severely wounded, are carried on litters.

Noise and confusion continue in the audience.

The *President* (to the audience). Silence, gentlemen. If you do not remain quiet and silent I shall be compelled to adjourn the proceedings.

President. Athanasius Tasoulas.—*Athanasius Tasoulas* replies, Present.

President. Nasios Katsonis.—*N. Katsonis*. Present.

The *Lieutenant of Gendarmerie* informs the President that it is impossible to maintain order, and that the railing that separates the audience from the Court has given way from the pressure of the crowd.

G. Petmezas (*Procureur-Général*). Judges,—The interest excited by this important trial is, naturally, immense. For this reason I proposed, several days ago, that the Court of Assizes should hold its sitting in a hall sufficiently capacious to satisfy the curiosity of the public, and in conformity to the law requiring publicity; but, unexpectedly, we perceive that the curiosity and interest of the public are so intense that this hall is already so crowded as to render it impossible to proceed with the trial, till extraordinary measures be adopted to maintain order.

In this trial not only Greece, but the whole civilized world is deeply concerned. It must be conducted with becoming quiet and order. I am, therefore, under the necessity of requesting you, Judges, to suspend the proceedings for a few hours.

The President, who is specially entrusted with the task of preserving order and decorum, will be pleased to take such steps as may be necessary to secure the tranquillity and dignity of the Court during the proceedings.

Accordingly, Judges, I request you, as you perceive the necessity of what I propose, to suspend the proceedings, and order them to be resumed at some fixed hour this afternoon.

President. The Athens Court of Assizes decrees that the proceedings be suspended, and resumed this day at 4 o'clock P.M. The sitting is closed. The gendarmes will clear the Court. (Time, 11'20.)

4 o'clock P.M.—The Court-room is again already crowded with an audience, but order and tranquillity are preserved.

President. The sitting is reopened. Let the prisoners be brought to the bar.

The prisoners are brought to the bar.

President. As you have not appointed Counsel for yourselves, the Court appoint K. Potamianos in your behalf.

Several of the prisoners called out, "We want two Advocates more, and good ones." (Confusion.)

The *Procureur-Général*. Of the prisoners, those three belonging to the band of the Arvanitei, committed on Mount Exarchi or Karamouzi various criminal acts. The rest of

the prisoners on the ^{9th}_{21st} of April took part in the tragedy for which all Greece is in mourning.

They have all been indicted respectively for various criminal acts, to be tried this day at the Assizes. But the law specially permits the union of indictments, when the criminal acts therein specified have a natural connection. In the present case such a connection distinctly exists, as all the prisoners were members of one and the same criminal band ; and such fusion of indictments is permitted by the law in the interest both of justice and the prisoners themselves, who, in such cases, possess greater facilities of legal defence.

Besides, as you will observe from the separate indictments, other members of the same band have been arraigned for the same acts, and, as not yet apprehended, have been outlawed. Consequently there exist competent reasons for separating the trial of the outlaws from that of the prisoners now present, and for proceeding with that of the latter. I therefore request that such arrangement be adopted. (Mutterings among the prisoners.)

Potamianos (Advocate). I hear the prisoners say that they have Counsel. If they have chosen Counsel for themselves, I beg to retire from the defence.

Procureur-Général. I did not hear the prisoners say they have chosen Counsel for themselves ; but if that is the case, the Counsel of their own choice must, of course, be received and heard.

President (to the prisoners). Have you provided Counsel?—The prisoners, *L. Kalomiris*, *N. Katsounis*, and *A. Tasoulas*. We have *Colocotronis*, *Diamantopulos*, and *Goulimes*.

President. You other four prisoners?—All the prisoners call out, We have all the same Counsel. If that does not please you, appoint any you like, and do as you think proper.

President. Let Mr. *Colocotronis* be called. (He comes to the bar.)

Colocotronis. They gave me no previous notice of this. I am quite unprepared.

The Prisoners. If you have no objection, undertake our defence. If we find justice, well. We don't wish you to justify us.

President. Let Mr. *Goulimes* be called. (He comes to the bar.)

Economos (one of the prisoners). Come, Mr. *Goulimes*.

Kalomiris (another). Speak for us along with Mr. *Colocotronis*.

President. Let the two other Advocates be called. (They are not in the Court.) Mr. *Procureur-Général*, we are ready to hear you.

Procureur-Général. I repeat what I stated before, that, as the outlaws in question, and the prisoners before you, belong to one and the same band, and all committed an offence of one and the same kind in January last in Livadia, on Mount Exarchi or Garmousa, and four of them took part in the tragedy which occurred at Dilessi on the 9th of April last, I therefore trust you will decree what I propose, it being in conformity with the law and the interest both of justice and the prisoners, and I doubt not that the Counsel for the prisoners will accede to my proposal.

President. Is there any objection?—*Colocotronis* (Advocate). None.

President. The Registrar will read the names of the gentlemen liable to serve as jurors on the present occasion.

Jury is constituted according to the legal forms, no challenge having been made either by the *Procureur-Général* or by the Counsel for the prisoners.

The jurymen balloted are the following:—*Mich. Parisis*, *D. Trizanos*, *K. Philemon*, *Al. Lascaris*, *Nacos Perdichi*, *K. Pirpiris*, *N. Boulotis*, *E. Anagnopulos*, *Ch. Zacharitas*, *T. Katsaros*, *L. Stephanon*, *K. Kesobounis*, who, taking their seats, are sworn in.

President (to the jury). According to law Mr. *Mich. Parisis* is your foreman, as drawn first, unless you deem another more suitable?—*A Juryman*. He is quite suitable.

President. *Ath. Tasoulas*?—*Ath. Tasoulas* (prisoner). Present.

President. What is your name?—*Prisoner*. *Athanasius Tasoulas*.

President. Where were you born?—*A. Tasoulas*. In the Turkish territory, for I heard Turkish spoken ; but the place of my birth I do not know.

President. Where did you reside formerly?—*A. Tasoulas*. I was there in Turkey, a Wallach, *Karakatzarios*.

President. How old are you?—*A. Tasoulas*. 26 or 27.

President. What was your occupation?—*A. Tasoulas*. I was a shepherd.

President. A Christian?—*A. Tasoulas*. A Christian, to be sure. I am not a Turk.

President. Are your parents alive?—*A. Tasoulas*. They are.

President. Are you married?—*A. Tasoulas*. No.

President. Can you read and write?—*A. Tasoulas*. No.

President. Were you ever tried for any similar offence?—*A. Tasoulas.* No, never.

President. Leonidas Kalomiris?—*L. Kalomiris* (prisoner). Present.

President. What is your name?—*Prisoner.* Leonidas Kalomiris.

President. Where were you born?—*L. Kalomiris.* At Karpenisi, though I do not know.

President. Where did you reside?—*L. Kalomiris.* In summer I went to the tent, and in winter I staid at Lamia or Sourpi.

President. How old are you?—*L. Kalomiris.* 30.

President. What was your occupation?—*L. Kalomiris.* I was a shepherd.

President. A Christian?—*L. Kalomiris.* A Christian. I am not a Turk.

President. Are your parents alive?—*L. Kalomiris.* My father is not, my mother is.

President. Are you married?—*L. Kalomiris.* No.

President. Can you read and write?—*L. Kalomiris.* No.

President. Were you ever tried for any similar offence?—*L. Kalomiris.* Not even my grandfather was ever engaged in anything of the kind.

President. Nasios Katsounis?—*N. Katsounis* (prisoner). Present.

President. Where were you born?—*N. Katsounis.* At Naochali.

President. Did you reside there?—*N. Katsounis.* I did.

President. How old are you?—*N. Katsounis.* 25 or 26.

President. What was your occupation?—*N. Katsounis.* I was a shepherd in charge.

President. A Christian?—*N. Katsounis.* Certainly.

President. Are your parents alive?—*N. Katsounis.* They are alive.

President. Can you read and write?—*N. Katsounis.* No.

President. Were you ever tried for any similar offence?—*N. Katsounis.* No.

President. Alexios Tsounis, alias Chormovas?—*A. Tsounis* (prisoner). Present.

President. Where were you born?—*A. Chormovas.* In the Ottoman territory at Kriacki, where I grew up; and then I left home.

President. Where did you reside before you became a robber?—*A. Chormovas.* In Livadia.

President. How old are you?—*A. Chormovas.* 24 or 25.

President. What was your occupation?—*A. Chormovas.* I was first a guide, and afterwards a field guard.

President. A Christian?—*A. Chormovas.* Of course, a Christian.

President. Is your father or mother alive?—*A. Chormovas.* Yes.

President. Can you read and write?—*A. Chormovas.* Slightly.

President. Were you ever tried for any similar offence?—*A. Chormovas.* Never.

President. Kostas Monachos?—*K. Monachos* (prisoner). Present.

President. Where were you born?—*K. Monachos.* In the Turkish territory.

President. How old are you?—*K. Monachos.* 25.

President. What was your occupation?—*K. Monachos.* I was a shepherd.

President. Is your father or mother alive?—*K. Monachos.* Neither my father nor my mother is alive.

President. Can you read and write?—*K. Monachos.* No.

President. Are you married?—*K. Monachos.* No.

President. Were you ever tried for any similar offence?—*K. Monachos.* No.

President. Pericles Lioris, alias Villiotis?—*P. Lioris* (prisoner). Present.

President. Where were you born?—*P. Lioris.* At Villia.

President. Where did you reside?—*P. Lioris.* At Villia.

President. How old are you?—*P. Lioris.* 22.

President. What was your occupation?—*P. Lioris.* A servant in the vineyard and in the house.

President. Are you a Christian?—*P. Lioris.* Certainly.

President. Are your parents alive?—*P. Lioris.* Yes.

President. Can you read and write?—*P. Lioris.* No.

President. Are you married?—*P. Lioris.* No.

President. Were you ever tried for any offence?—*P. Lioris.* No.

President. Photis Œconomos?—*Photis Œconomos* (prisoner). Present.

President. Where were you born?—*Ph. Œconomos.* In the Turkish territory.

President. Where did you reside?—*Ph. Œconomos.* At Vrachiana.

President. How old are you?—*Ph. Œconomos.* 25.

President. A Christian?—*Ph. Œconomos.* A Christian; my grandfather was a priest.

President. Are your parents alive?—*Ph. Œconomos.* They are.

President. Are you married?—*Ph. Œconomos.* No.

President. Can you read and write?—*Ph. Œconomos.* No.

President. Are Messrs. Colocotronis and Goulimes your Counsel?—*All the Prisoners.* Yes.

President. I beg to remind the Counsel of the provisions of the law.

Procureur-Général (reading the indictment). Various witnesses have been summoned to substantiate the statements contained in the indictment. The *Huissier* will read the list of their names.

President. The *Huissier* will call out the names of the witnesses.

The *Huissier* calls out the names of the witnesses, who come forward.

1. *Joannes Tsoannes.*
2. *Constantine Micalopoulos.*
3. *Constantee Antoniades.*
4. *Const. Pappa Georgiou.*
5. *Christos Paloukes.*
6. *Athanasius Boulgares.*
7. *Panagee Sayantis, alias Basiliou.*
8. *Christos Kanios.*
9. *Stam. Apostolides.*
10. *Spiro Bon.*
11. *P. Leotsakos.*
12. *G. Œconomides.*
13. *B. Theogenes.*
14. *Stavros Liartes.*
15. *An. Geomanes.*
16. *Joan Liakures.*

President (to the prisoners). Have you witnesses for the defence?—*Prisoners.* No.

Then are read the two decrees for the prosecution (true bills), and the indictment.

President (to the prisoners). You are accused of having, all together, during the last year and subsequently, combined to perpetrate many special acts, of a nature, kind, and result, specified as a band of brigands, and of having, on the 17th of January last, at Mount Exarchi, or Karmousou, in the district of Livadia, resisted Government troops, of having murdered of these George Speliopulos, sergeant, and Joannis Karikas, sub-corporal, of having attempted and perpetrated the murder of Constantine Liakutzes and L. Kouripes, common soldiers.

Four of you, Alexios Tsounis (*alias* Chormovas), Photios Œconomos, Pericles Lioris (*alias* Villiotis), and Costas Monachos, all of you members of one and the same band, are accused of having—first, on the 30th March last, at Pikermi, near Marathon, robbed Lord Muncaster and his lady, Mr. Lloyd and his wife and daughter, and Messrs. Herbert, Vyner, and Boyd; secondly, of having resisted the gendarmerie; thirdly, of having killed the gendarme Basilakos, and of having at the same time attempted to kill the other gendarmes there present; fourthly, of having captured without any right and with violence persons of distinction, and of having transported them to different parts of Attica, so as to withdraw them from Government protection, and of having at the same place employed acts of violence and threats to compel them to give you money, in order to procure for yourselves illegal gain; fifthly, of having on the 9th April of the present year, within the bounds of the village of Sykamenon, compelled by violence the authorities to refrain from the execution of orders relating to their service, and of having sought to compel the authorities to omit acts pertaining to the discharge of their duties; sixthly, of having at the same time premeditatedly and deliberately murdered the said Herbert, Lloyd, Boyd, and Vyner, with swords and fire-arms, and of further having resisted the Government forces.

These are the crimes laid to your charge.

We now direct that the discussion of the case commence.

All the witnesses will retire with the exception of Joannes Tsoannes.

Joannes Tsoannes, corporal, present. What is your name?—*Witness.* Joannes Tsoannes.

President. Where were you born?—*Witness.* In Chelide, and reside in Livadia, am 28 years of age, and of the orthodox faith; corporal; am acquainted with Tasoulas and Chormovas, but am not related to them.

(The witness is sworn.)

President. Do you know if the prisoners Athanasius Tasoulas, Katsounis, and Kalomiris on the 17th January last formed part of the band of the Arvanitei, and if they resisted a detachment of troops at a place in the district of Livadia, called Exarchi?—

Witness. I was with Ladopoulos there. We saw three shepherdesses, who on perceiving the detachment came running up to us, and gave us information. The captain then ordered us to invest the place. At the same time a peasant, George Tassopoulos, told us that thirty robbers were at the folds. I was near them, about a hundred paces off. I then informed Ladopoulos, who was going towards the village. The robbers on seeing us, began to fire, and, retiring from the folds, went up to a higher position. There sergeant Speliopoulos was killed, together with a corporal.

President. What was the number of the robbers?—*Witness.* Twenty-nine.

President. Do you know if the prisoners here present took part in the affair?—

Witness. The peasants informed me of their names. I know Chormovas, he was a field-guard in Livadia.

President. From what part did this band come?—*Witness.* They came from the Ottoman territory. They had been in Livadia from the 11th of the month, and they had been previously in Phthiotis.

Colocotronis (Advocate). Did the troops fire first and the robbers afterwards?—*Witness.* The robbers fired first and wounded a soldier.

Colocotronis. When was the sergeant killed?—*Witness.* An hour afterwards.

Colocotronis. When was Tasoulas wounded?—*Witness.* When the robbers retired from the fold.

Colocotronis. So that Tasoulas, when the sergeant and the soldier were killed, was already wounded and disabled, had left the band, and had no part in killing Speliopoulos?—*Witness.* No.

President. Stand down, witness. Call Constantine Michalopoulos.

Constantine Michalopoulos, corporal, born in Tripolitza, residing in Livadia, 25 years of age, an Orthodox Christian; knows Tasoulas, but none of the other prisoners; is not related to them.—The witness is sworn.

President. On the 17th of January last, at Exarchi, in the district of Livadia, were you present at a conflict of robbers? What do you know of the affair?—*Witness.* (Speaking in a very low voice.)

President. A little louder, as we don't hear you. *Witness.* On the 16th of January, in the evening, we inquired of the Wallach shepherds if they knew anything of robbers. They told us they did not. Next morning we again examined them, using both fair means and foul. We then proceeded to the plain. We there heard two gun-shots simultaneously. The sergeant remarked, That must be a double-barrelled gun. We instantly threw aside our capotes, and ran to the quarter from which the shots proceeded, and perceived the robbers in the folds of the Wallach shepherds.

The troops advanced running, though extremely fatigued, and we opened fire.

President. Did you apprehend any of the robbers?—*Witness.* No. That robber (pointing to Tasoulas) we captured after he was wounded. Subsequently the other detachment came up, but the robbers took to flight. We followed them, but soon lost their traces.

Colocotronis (Advocate). Tasoulas was wounded in the first encounter, and the sergeant was killed afterwards?—*Witness.* The sergeant was killed two hours afterwards. Tasoulas was not then present, he had been wounded.

Colocotronis. And where was he captured?—*Witness.* In the fold. I was not then present. He was captured by the other detachment.

President. Stand down, witness. Call Constantine Antoniadès.

Third witness. Constantine Antoniadès, sergeant, born in Tripolis, resides in Athens, 26 years of age, sergeant, Christian of the Greek Church, knows the prisoners, but is not related to them.

(The witness is sworn.)

President. Do you know anything of the conflict that took place near Livadia?—

Witness. We received information that the band of the Arvanitei had been there three days ago. I received a written order to occupy a certain position, which I did. We remained in ambush. The robbers then passed at about half-an-hour's distance. We immediately pursued them, and reinforced the other detachment, and informed the other detachments that the robbers had passed. The troops, and particularly the detachment of . . . , fired on them. Next day we continued the pursuit, and found continuous traces of the band. We ascertained that the band consisted of twenty-seven persons. The commander, on this, collected all the neighbouring detachments (we amounted to 100 men), and directed us to reconnoitre. We discovered the robbers; but they, on seeing us, took to flight.

Marching without intermission, and guided by the traces, we continued the pursuit to the distance of four hours, and overtook the robbers at a fold. On seeing us, and perceiving our party consisted of twenty men, they shouted, and a skirmish commenced. We pursued them along with A little further up we found a stone covered with blood, from which we understood we had wounded some of the robbers. A little further up we encountered the robbers, who made a stand, and commenced firing. It was night, and by the light of the fire-arms we killed three, and cut off their heads. As it was dark, and it rained, we could not observe the traces; so we returned to the place of the encounter, where we caught two wounded.

President. Was Tasoulas present?—*Witness.* He had been wounded previously, and had not taken part in the skirmish.

President. How many days afterwards did you capture the other two?—*Witness.* Six days afterwards.

President. When you attacked them in Livadia, had they come directly from the the Turkish territory?—*Witness.* They are natives of Turkey.

President. How long had the band been in Greece, according to your information?—

Witness. Since last year, when they captured Maleas; during the years 1866, 1867, and 1868, I was in Crete and had heard nothing of the band.

President. So that from May till January last you had heard nothing of this band?—

Witness. I had heard nothing.

President. You said you had afterwards lost their traces?—*Witness.* We lost them and went to Megaris, and entered Attica.

Colocotronis (Advocate). Do you know if Tasoulas was wounded in the first skirmish?—*Witness.* Yes; it was then he was wounded.

Colocotronis. How long afterwards did the skirmish take place in which Speliopoulos and Karikas were killed?—*Witness.* I was not there.

Colocotronis. Was it in the first skirmish which took place at Exarchi? How long afterwards did the skirmish at Stephani occur?—*Witness.* Five or six days afterwards.

Colocotronis. Do you know if Tasoulas was there?—*Witness.* He had been already captured.

Goulimes (Advocate). What is your reason for thinking that the band of the Arvanitei had been so long in coming into Greece? Do you suppose they had remained quiet in Turkey, or were engaged in brigandage?—*Witness.* I do not know.

President. Stand down, witness. Call Pappageorgiou.

(He is called and comes forward.)

Fourth witness, Pappageorgiou (Enomataarch of the gendarmerie), was born at Chrysovitzza, resides at Thebes, is 35 years of age, Enomataarch, of the Greek Church, knows Villiotis and Monachos, but is not related to either.

(The witness is sworn.)

President. Were you at Stephani when the skirmish with the robbers occurred?—*Witness.* On discovering the lair of the Arvanitei band and following their traces, we came upon them at Stephani, about 5 in the afternoon, at the fold of Athanasius Sympoula. There we attacked them, and killed three on the spot. Of our party a sergeant and a guide were wounded. The sergeant lived five or six hours. We then took the heads of the robbers killed, and went to the village. Thence we proceeded at full speed, and found the others concealed at Ritsona among the bushes, that we might not see them. Ritsona is in the district of Thebes, as also the fold of Kolovos.

President. How did you discover the traces?—*Witness.* From the marks of blood. We found there his honour (*pointing to one of the prisoners*), and another who had expired. We then continued the pursuit, but could not discover anything.

President. Do you know Ath. Tasoulas?—*Witness.* No. We then delivered the captured robbers to the Commander.

Colocotronis. Do you know if Tasoulas was present at the second skirmish?—*Witness.* He had been wounded in the first. He was not present at the skirmish in which I took part. I heard then that one of the robbers had been wounded in the first, but I do not know him.

Goulimes. Have you been long in the service of the flying column?—*Witness.* Only two months.

Goulimes. Had you heard where the band of the Arvanitei then was?—*Witness.* It was in Locris.

Goulimes. How long had it been in the Turkish territory?

President. Such questions are not to the point.

Goulimes. Some such questions appear to me to the point.

President. Stand down, witness. Call Christos Paloukes.

(He is called and comes forward.)

Fifth witness, Christos Paloukes (gendarme); born in Livadia, resides at Thebes, 41 years of age, gendarme, of the Greek Church; knows Chormovas, but is not related to him.

(The witness is sworn.)

President. During the present year did you take part in the pursuit of the Arvanitei band at Ritsona? What occurred there?—*Witness.* There three robbers were killed and two wounded. The wounded were captured. This is one of them and that is the other (pointing to the prisoners L. Kalomiris and N. Katsoulas).

President. Do you know if a sergeant was killed at Exarchi, in the district of Livadia?

—*Witness.* A sergeant and a guide, as I heard, were killed there.

President. Stand down, witness. Call Athanasius Boulgares.

(He is called and comes forward.)

Sixth witness, Athanasius Boulgaris (gendarme), born at Jannina, resides in Athens, 50 years of age, a gendarme, of the Greek Church; knows the prisoners, but is not related to any of them.

(The witness is sworn.)

President. On the 30th March last were you ordered to escort certain Englishmen to Marathon, who were captured by the robbers? What do you know about that affair?—*Witness.* I met with the interpreter and asked when the lords would set off. He told me he was going to fetch the carriages, and at half-past 5 we were at the Rizarion School in waiting. When the travellers came there, we followed the party. At Ghephiri the coachmen changed the horses and we also halted. We remained there a quarter of an hour. We proceeded, and on the road, Mr. President, we found neither soldier, nor detachment, nor anything. I was alarmed and suspected danger. We went to the place the travellers were to visit; we dismounted, we ate and drank. The lords went to the seaside. Then I said to my comrades that somebody should go with them to protect them from the sheep-dogs. I went myself. We remained at Marathon three hours. The travellers then entered the carriages; we mounted and went on. There I thought I saw something dark at a distance. "What is that," said I to my comrades, "in the plain?" "It is a detachment," replied one of my comrades. We reached the well. We were a whole hour in watering eight horses, as we had to water them with broken bottles. We then went on. On the road one of the lords came out of his carriage and walked on foot for about an hour. As he had got into a perspiration I made a sign to him, as I did not know his language, to get into the carriage. He did so, and we went on. About an hour from this we met with a party of five soldiers and a corporal. I desired them to accompany us till we passed the bridge and then go where they pleased, as we should then have no more occasion for them. They said, "Very well." We went on quickly. When we were within a quarter of an hour of the place (the bridge) I heard, "Stop, rascals." I called out, "Robbers!" They (the robbers) saw us, we did not see them. We went back and dismounted, and I seized my carbine. I said, "Let us, too, die here." Then the robbers surrounded us right and left, firing. While lifting my comrade, who had been wounded, they seized me, and we struggled hand to hand and began a brisk fire. They wounded Babala. They seized us and made the travellers come out of the carriages, and putting the ladies on horseback said, "Go on." They took us up the hill. I do not know the place well. The robbers were twenty-eight in number, so Barbayanni, who was killed, told me.

President. Did you perceive distinctly that they were twenty-eight in number?—

Witness. That was their own account of their number.

President. Do you know any of them?—*Witness.* I know that one with the red jacket (pointing to one of the prisoners); at least, I think so.

President. How long did they keep you?—*Witness.* From 4 to 6. At 6 they put the ladies on horseback, and said to us, "Go on to Charvati." They told us to go to the Sub-Mayor at Charvati to get carriage-horses and go to Athens to the Minister, and tell the Minister to go to the Government and get the Government to give orders not to attack us, otherwise we will kill the foreigners. When we arrived at Charvati we found a carriage there.

Colocotronis. When was the gendarme wounded? Was it when you returned to go to the carriages?—*Witness.* He was wounded by a shot from the left. The robbers had surrounded us.

Colocotronis. Were the robbers all in a body, or had they an advance guard?—*Witness.* They all attacked us before we reached the bridge.

Goulimes. When the leader of the band took you prisoner, did he ask you who the foreigners were?—*Witness.* No.

President. Go down, witness. Call Panagee Sayandas.

(He is called, and comes forward.)

Seventh witness, Panagee Sayandas (coachman), born at Argos, resides in Athens, 30 years of age, a coachman, of the Greek Church; does not know the prisoners, and is not related to any of them.

(The witness is sworn.)

President. What do you know of the robbery committed at Pikermi?—*Witness.* About 4 in the afternoon, the day before, I got notice from Polyzoï, through Anemoyanni, to have two carriages ready at 6 o'clock next morning. I sent on, as we usually do, a change of horses. We started at 6. At Pikermi we changed horses, and then went on to Marathon. We alighted at the Soros. The lords dined, and went to the seaside.

President. Is the Soros far from the sea?—*Witness.* About a quarter of an hour. We returned, prepared the carriages, and started. On our return we came up with a party of soldiers, consisting of twelve or thirteen men. Then the Italian Secretary said to me, "Stop." I stopped, and perceived that he took from his pocket a 25-drachma note, and giving it to them, said, "Take that, to drink." We then came to the well, and watered the horses with broken bottles. Here the party of soldiers overtook us, and said to us, There is a good leather bucket somewhere here to draw with. We found the bucket, and used it. The party of soldiers went on. We afterwards passed it, and found another party of soldiers at Kapsala, the place where the priest was killed, consisting of five soldiers and a corporal, three hours' distant from the place where we found the other party.

President. What became of the other party?—*Witness.* It came on more slowly, and we were in advance.

President. Did the party advise you to proceed slowly?—*Witness.* I did not hear that, but they say the party told that to Anemoyanni. At Rafini we went on with speed, as the road is plain for ten minutes from where we left them. We now heard, "Stop," and they (the robbers) fired on us. The gendarmes retired to defend themselves, and called out to the robbers, "Lads, don't; it is the French Minister. Don't think of such a fearful thing." The robbers replied, "Down, down." The robbers said to me, "Don't stir, or we will kill you." They then made the travellers come out of the carriages, and went up the hill with them. The party of soldiers now arrived, and firing commenced. Then I seized the opportunity, and drove off. On reaching Pikermi I told the groom to mount a horse, and go and tell what had happened.

President. Did you notice any of them then, so as to be able to know them again?—

Witness. How could I do that; I was in such a fright. Regarding the ladies, some of the robbers said, "Why retain ladies? how can we manage that?" Others said, "Retain all—all." I came to Charvati, to Stavros. There we found neither a party of soldiers nor anything but a single gendarme. I remained there two hours. I think I said to him, The ladies will be allowed to depart. On this I looked up and saw gendarmes on horseback, bringing the ladies on horseback. I then put the ladies into the carriage and brought them to town. They said to me often, "Quick, quick;" and I drove with all speed that was possible.

President. Where did you meet with the larger party of soldiers?—*Witness.* At the well; both we and they drank water.

President. Did the carriages go on with speed?—*Witness.* No. In fact, one of the Secretaries went out and gathered flowers, and gave them to the ladies.

President. How far was the place where you found the one party of soldiers from the place where you found the other?—*Witness.* An hour, or an hour and a quarter.

President. How far off was the party of soldiers when the robbery took place?—*Witness.* An hour, an hour and a quarter, or an hour and a-half.

President. Did they bid you drive more slowly?—*Witness.* I do not know. I was at the well. I did not hear that.

President. Is it certain they said this to Anemoyanni?—*Witness.* I do not know. I was at the well.

President. From whom did you hear it? Did anybody tell you they said this to Anemoyanni?—*Witness.*—I heard it two days afterwards. I did not hear it at the time, and said so in my examination. I was at the well drawing water.

President. Did you get notice at 4 o'clock in the afternoon?—*Witness.* Yes.

President. When you got the notice, were you alone?—*Witness.* Yes, alone. He desired me to go up, and I went up.

President. Was any one else close by?—*Witness.* The servant was.

President. Was he a coach servant?—*Witness.* I had let a coach to the railway.

President. Could he have said to anybody that you had to go to Marathon with travellers?—*Witness.* I did not tell anybody. This is not the first time that I have gone with travellers.

President. Did anything similar ever befall you?—*Witness.* No, never.

Goulimes. Did you not say that as soon as Polyzoi engaged you to go with travellers, you sent off horses?—*Witness.* I sent them at 4 in the morning.

Goulimes. When did you leave this yourself?—*Witness.* At 6.

Goulimes. Did your servant tell anybody at the place he went to that you were coming with travellers?—*Witness.* There is no village there, but a ravine.

Goulimes. Did he not enter into conversation with anybody?—*Witness.* No. There is no village there.

Goulimes. Did he not then tell anybody that travellers were to pass?—*Witness.* No.

Goulimes. Who was the gendarme that said to the robbers, "Lads, it is the French Minister?"—*Witness.* One who is here as a witness.

Goulimes. Did he not know that the French Minister was not in any of the carriages? Did he not hear from you who the travellers were? Did you not tell him?—*Witness.* No. We don't give account to anybody.

Goulimes. Was it then out of his own head that he said it was the French Minister?

President. Did you ever meet with Anemoyanni but once?—*Witness.* I saw him about sunset, at the inn where he was.

President. Were you there too?—*Witness.* I was there till 7 o'clock.

President. How long did you remain there?—*Witness.* I remained there about two hours after the agreement.

President. What were you doing?—*Witness.* I told you I had my carriage at the railway.

President. And did you remain there?—*Witness.* No; I remained at the inn.

President. Where?—*Witness.* In the coffee-house, outside.

President. And why did you stay there?—*Witness.* I always stay there.

President. Have you carriages employed by the railway?—*Witness.* Yes.

President. Do you not drive up and down?—*Witness.* I had my servant for that. I usually spend my time in the coffee-house.

President. You have, then, often seen Anemoyanni?—*Witness.* I saw him about 6 or 7 o'clock, and then I went away.

President. Did you see Anemoyanni again?—*Witness.* Yes.

A Judge. Why did the carriages go fast?—*Witness.* For a carriage to go and return the same day, it is necessary to drive at a good rate.

A Judge. When you were told to drive slowly, why did you not do so?—*Witness.* I did not hear that; I was at the well.

A Judge. Whom did the Commander of the party of soldiers address himself to? Was it to you, to Anemoyanni, or to whom?—*Witness.* I cannot say. I did not hear anything of the kind.

Goulimes. In your way to Marathon did you stop anywhere to take up anybody in your service?—*Witness.* I have not any servant there. At Stavros I have. At Charvati we did not stop; and, in fact, we were without bread.

Goulimes. Did people see you pass?—*Witness.* There are few people there. They go to their vineyards.

Goulimes. If there were robbers on Pentelicus, could they see a carriage pass? Could they see it and occupy the position where you were taken?—*Witness.* Very likely, for we went slowly.

Goulimes. Then, if the robbers saw from Pentelicus the carriages, they could have come and seized you?

President. Do you know the distance?—*Witness.* I really do not know.

Goulimes. From the place where you were captured?—*Witness.* I said I do not know. The country is hilly. I cannot say what the distance is.

Procureur-général. You previously said you found a leather bucket, and with it drew water from the well?—*Witness.* At first we drew with broken bottles; but when Spiros came with the party of soldiers, he told us there was a leather bucket somewhere there, and we found it.

Procureur-général. Had you finished what you had to do?—*Witness.* We drew also with the leather bucket and filled two or three pails.

Procureur-Général. Whereabout was the leather bucket?—*Witness.* It was found about as far off as from this to the door.

President. Did you not see the party of soldiers when you were going to Marathon?—

Witness. No. It was when we were returning that we saw it.

President. Did any of these (*pointing to the prisoners*) fire?—*Witness.* How was I to see? I was so frightened that I could not observe anything.

President. Sit down.

Here a short intermission—10 minutes to 8.

The sitting resumed.

President. Christos Kolios.

Eighth witness. Christo Kolios, 56 years of age, born at Karavassara, attached to the flying column, Orthodox Christian, guide; is not related to any one of the prisoners.

The witness is sworn, knows Alexios Chormovas.

President. You are aware, of course, that certain foreigners were robbed on the 30th of March; you were then sent to meet with the robbers. For what purpose were you sent? Did you meet with them? What conversation had you with them?—

Witness. I am a police officer attached to the flying column of K. Tounavitis. He said to me one day, Lay aside your arms and go and ascertain whence the robbers came, who brought them, and return and tell me all. Accordingly I went to Kremidi. I did not find them there. I went then to Port Oropos.

President. When?—*Witness.* One Saturday, the eve of Palm Sunday. I returned and stated in my examination that the robbers were twenty-one in number; that there were four English captives and an interpreter, and that they were staying there. I was asked in my examination where they had made the capture, and I stated that it was at the bridge. When asked whence and when they had come I answered that I did not know; but I had heard that the travellers went to Marathon at half-past 9, and were captured when returning.

President. Had you any conversation with the robbers?—*Witness.* Yes. They told me they were lying in wait below the bridge; it was Monday, I think. They told me they saw four horsemen and two carriages passing, and that they said among themselves, These must be great personages, let us capture them and get money. They captured the travellers when they were returning, as Yeroyanni, one of the robbers, told me.

President. What became of that Yeroyanni?—*Witness.* He was killed.

President. What other conversation had you with the robbers?—*Witness.* No other. Only one of them said to me, "If I were sure you are a guide, you would have your head cut off."

President. What did the robbers say? What did they want?—*Witness.* They wanted both money and amnesty; and, besides, they demanded the release of certain persons from prison by the Government.

President. What did you say to them?—*Witness.* I said to them, "Lads, the travellers are noble personages, do not treat them unkindly, but take the money; for if they should fall ill, you would not be able to take them about with you. Amnesty you cannot get. The National Assembly made the law, and His Majesty is bound by it, and cannot give amnesty." "We have kingdoms in our power," they said, "and we will have amnesty."

President. What did they mean by "We have kingdoms in our power"?—*Witness.* I cannot say. I do not know. They were wild beasts. There was a division among them; they were arguing with each other.

President. What did they say in their discussions?—*Witness.* I do not know; but I saw they were at variance, and they had secret talk with each other.

President. Were you acquainted with Yeroyanni?—*Witness.* Yes. When I was at Atalanti he was the guard of an olive wood belonging to a monastery, before he became a robber.

President. Had you any acquaintance with him at that time?—*Witness.* Yes. He knew me, though I did not know him. He said to me (at Oropos), Do you know me? I said, No. He then said to me, I am Yeroyanni, that guarded the olives. He gave me his hand, and that was all.

President. Do you remember nothing else?—*Witness.* Nothing. Only I remember to have seen Alexis in the skirmish; that is he (*pointing to Chormovas, the prisoner*).

President. Did you know him distinctly?—*Witness.* Yes.

President. Do you know what took place afterwards?—*Witness.* I was present at the skirmish.

President. Tell us, then, what took place?—*Witness.* The Lieutenants of Gendarmerie, Angelopoulos and Apostolides, and Colonel Théagénis, took me with them from the Acting Commander Tournaviti. It was winterly weather, and I knew the road and the localities, and I followed them in this service till after the encounter with the robbers.

President. Tell us what you know of it.—*Witness.* When we went to Perentreti, we found one company of soldiers there, and another not far off. One company was ordered on Wednesday, at 2 o'clock, while it was raining, to proceed to Dilessi. We arrived there at break of day. At the same time Apostolides arrived there with the other company, and some cavalry. We passed all the night there. A person was then sent to reconnoitre Oropos to ascertain where the robbers were, and what was going on. After a council of war, all the detachments, foot and cavalry, marched for Oropos, to blockade the robbers and compel them to release the captives. On the way we came to an old man cutting wood, and an old woman, who told us that the robbers had provided themselves with horses at Oropos, and passed over to Sykamenon. On this, we started for that place, but unfortunately the state of the river prevented our passing. Soon after, the cavalry and some of the foot passed over. A scout of the robbers now came down from a hill, and immediately the robbers fled with the captives. Further on the conflict took place, and there were killed those that were killed, the affair continuing till 10 o'clock at night. We then found Alexios Chormovas and two of the foreigners. The Captain then said, "Run and tell the soldiers to catch him alive, and not to kill him, as we may discover something from him." We took the two bodies (of the foreigners) to the ship.

President. Were you far from the conflict?—*Witness.* Not far.

President. Did you see how the conflict commenced?—*Witness.* I did not. There were some hillocks that prevented me from seeing; but I saw the dead bodies of the captives with the blood gushing out.

President. Which was the first body you found?—*Witness.* We first found one of the English lords among the bushes, and we took him up and carried him aside. Somebody had called out, "See, there is one of the captives."

President. Which of the captives was that?—*Witness.* He was all covered with blood, and we could not distinguish. He was wounded in the face; he was tall, with a beard.

President. Was he wounded anywhere else?—*Witness.* I did not observe; I merely carried him from the bushes and left him.

President. Did you afterwards find the other bodies?—*Witness.* Further on we found two robbers killed.

President. Then you first found the captives?—*Witness.* Yes, and afterwards a robber, and then another robber, and afterwards Christos Arvanitakos; then another in a bush, whom we killed.

President. Was he wounded? was he hid?—*Witness.* Yes, he was hid and wounded. Further down we found the second captive.

President. Then you had found altogether four robbers?—*Witness.* Four, I think five.

President. Altogether five?—*Witness.* I do not exactly recollect, but I think five.

President. Was the first body of a robber you found far from that of the first lord?—*Witness.* Not far; about the distance of a stremma (one-third of an acre).

President. Cannot you remember where he was wounded?—*Witness.* About the mouth, I think.

President. Anywhere else?—*Witness.* I do not know, but he was all over with blood. In the hurry and confusion, and as I was very much fatigued by passing the river, and as firing was going on, I had not much presence of mind to remark anything.

President. You did not, then, remark if he was wounded in any other part? He was all covered with blood?—*Witness.* Yes, all over.

President. Did you afterwards continue the pursuit?—*Witness.* Yes.

President. How far did you go?—*Witness.* As far as Dilessi. We went to a wood between Skanavatika and Dramesi; there we saw some shepherds' tents.

President. Where did you find the body of the other captive?—*Witness.* We found three that evening; I found two. I don't remember where we found the youth.

President. How far off?—*Witness.* I do not remember exactly; I should say about fifteen or twenty minutes.

President. Where was the other one found?—*Witness.* He was found in the evening.

President. Where?—*Witness.* I do not know the place exactly, but it was in the wood.

President. Then you say, that after finding the first captive you found five robbers, and then the second captive?—*Witness.*—Four or five; I do not remember exactly.

President. Were they all dead when you found them?—*Witness.* They were all alive except one that had been wounded in the head.

President. Then the second captive was found after the four robbers?—*Witness.* Yes, the captive held a stick in his hand.

President. Where was he wounded?—*Witness.* I did not perceive in what part he was wounded.

President. Was he covered with blood?—*Witness.* Yes, partly; but I did not remark the part, because there were two or three of the robbers near, hid among the bushes, and we ran to seize them. Christos Arvanitaki and another were further down; our attention was directed to them, and we did not minutely notice the wound of the captive.

President. What did you learn from the soldiers who there were before you?—

Witness. I heard they struck them to make them go fast, and reach the wood, as they saw the soldiers were at hand. The cavalry had intercepted them, but did not attack them.

President. Were you far off?—*Witness.* I was beside the Captain.

President. How far from the robbers?—*Witness.* About as far as from this to Santa Irenes; ten minutes, I should say.

President. Does the Procureur-Général wish to put any question?

A Judge (to the witness). Did you see any sword?—*Witness.* I saw one with a silver sheath. (The witness looks at the yatagan on the table.) I think I saw that, but I am not sure.

The same Judge. Do you know any of the prisoners?—*Witness.* I know this one, but not the others.

Procureur-Général. Besides the robbers with whom you conversed, and whom you saw, were there other persons present?—*Witness.* I did not see anybody. In the evening I saw three persons.

Procureur-Général. What dress did they wear?—*Witness.* They were from Athens; one of them was a nephew of Janni Costa, another was Costa Selianis, and another was Liakos, a short man.

President. You saw, then, these three?—*Witness.* There were also two robbers. I don't know what they were talking about. I went near them, and they said to me, "Go away, for we are engaged in conversation."

President. Who are those robbers?—*Witness.* Takos and another, and they would not let me hear what was said.

President. Did they converse together long?—*Witness.* I do not know, I went away.

President. Do you not know how long the conversation continued?—*Witness.* I do not know.

President. Then, they would not let you hear them?—*Witness.* No.

President. Who sent you away?—*Witness.* Takos said to me, "Leave us, for we are engaged in conversation."

President. Did you retire?—*Witness.* I went away, and slept all night.

President. Did you see them next morning?—*Witness.* Yes.

President. What did they say to you?—*Witness.* I found there the Demarch and forty or fifty persons from the villages. Anybody that liked went there.

President. Did you see them again next morning?—*Witness.* Yes.

President. Did you converse with them?—*Witness.* No, I set off and went to Kephesia.

President. Did they persist in demanding an amnesty?—*Witness.* Yes; I told them to take the money and release the captives, as they were not well.

President. What did they say to you?—*Witness.* They kept saying, "We have kingdoms in our power; we will have amnesty."

President. What did they mean by that?—*Witness.* I do not know.

President. How did you understand it?—*Witness.* I don't know.

President. Did they insist on amnesty merely?—*Witness.* They insisted on amnesty, the money, and the release of their friends from prison.

President. Then, you had no conversation with them in the morning when other people arrived?—*Witness.* I did converse with them. I told them what I had said before, and they persisted in their demands.

President. Do you remember which of the robbers you conversed with?—*Witness.* I conversed with Yeroyanni.

President. Did he insist on an amnesty?—*Witness.* No; he wished to take the money and release the prisoners. He told me that Christo was determined to have the amnesty.

President. What did Takos say?—*Witness.* I don't know. He was with the captives.

President. Did Yeroyanni tell you whether there was one chief or two chiefs of the of the band?—*Witness.* Yeroyanni spoke of Christo.

President. Gentlemen of the jury, do you wish to put any question?—*Jurors.* No.

President. Counsel?—*Goulimes* (Advocate). You said that when you first entered into conversation with the robbers, they told you that, on seeing the carriages, they concluded the travellers were persons of importance, and that they captured them. Who said this, Takos or Christos, or both?—*Witness.* Yeroyanni told me (without specifying who said so).

Goulimes. How many days passed from the capture to the time you visited the robbers?—*Witness.* They were captured on Monday, and I visited the robbers on Saturday, the day before Palm Sunday.

Colocotronis. When you went to Sykamenon, did you see the robbers and advise them to release the captives?—*Witness.* No; it was at Port Oropos.

Colocotronis.—Very well. You said that there you found them and observed that they were at variance among themselves; that some of them insisted on amnesty, and some not; that they were not agreed in their demands. Can you tell us which of them demanded amnesty and which not?—*Witness.* I do not know their names, and cannot say. I merely heard from Yeroyanni that Christos persisted in demanding amnesty.

Colocotronis. Did you not suspect that all of them insisted on amnesty?—*Witness.* I cannot form any opinion on the subject.

Colocotronis. Do you know whether or not the prisoners were among those who persisted in demanding amnesty?—*Witness.* I do not know.

Colocotronis. When you went away were all the robbers collected together, or had they been divided into two divisions?—*Witness.* I do not know. We started to blockade them in Oropos, and in our march we ascertained that they had left Oropos.

Colocotronis. Did you hear if they had separated into two divisions?—*Witness.* I do not know when they left Sykamenon; they were all in one body.

Colocotronis. Had they taken peasants with them from the village?—*Witness.* I heard they had taken two or three with them, but on the way the peasants ran off.

President. Where were the robbers going then?—*Witness.* I do not know.

President. Did you hear anything about that?—*Witness.* No; they were trying to escape.

President. Did they go first to Sykamenon?—*Witness.* Yes, but the moment they saw the troops they started for Dilessi.

President. From thence where did they go?—*Witness.* To a wood in the district of Tanagra.

President. Do you know why they went there?—*Witness.* I do not know.

President. Sit down, witness.

Ninth witness, B. Théagénis, born at Patras, resides at Thebes, 66 years of age, a military officer, of the Greek Church; knows the prisoners, except Kalomiris, is not related to any of them.

(Witness is sworn.)

President. Do you know the prisoners?—*Witness.* I think that is Alexis (pointing to Alexios Tsounis), whom I saved when the soldiers wished to kill him, that he might be of use in the examination. I think I saw that other one (pointing to Loris) when I went to Oropos. I think also I saw Photis too, but I did not then pay much attention; they were going in and out, and I could not fix them in my remembrance.

President. Did you visit Oropos when the robbers were there?—*Witness.* Yes. On the 6th of April I received an order from the Government to proceed to Oropos, and entering into negotiation with the band, effect the release of the captives. Previously the Demarch of Oropos, M. Œconomides, had been sent to Athens by the robbers on the evening of the 6th of the same month, bringing a letter from them to the Government, in which they said that the emissaries the Government had hitherto sent to negotiate with them were not suitable persons, and desired that the Government might send a suitable person of some weight, that they might come to an effective understanding. The Government in consequence, as well as from previous intentions, charged me to go to Oropos to negotiate. On the 7th, in the morning, I reached Marcopoulos, a village at the distance of two hours from Oropos. At Marcopoulos I was informed that the robbers were no longer at Kalivia, where they had been, between Oropos and the fold of the head-shepherd Manganas. I sent a person from Marcopoulos to tell them I had arrived there with authority to come to an understanding with them for the release of the captives, and desired them to fix a place

for an interview. The person went and found them at Oropos, and not at Kalivia. He delivered my message, and was told they would expect me that evening. The person I sent told them that, as it was raining heavily, I could not come that evening, but would be with them next morning. They replied, "Let him come by break of day, and if he does not find us here, a person will be waiting to tell him where we are." The person I had sent returned to Marcopoulos at a very late hour in the night, as the distance from that place to Oropos is, I think, about five hours. After I had heard his report I received a letter from Noel, who had taken with him a brother of the Arvanitei to facilitate the negotiations. He begged we might talk over the matter before conversing with the robbers. The morning was very rainy. I started with five horsemen to meet Noel, but he had left the place from which he had written, as Christos Arvanitaki had gone with four followers to meet his brother before I should arrive. Not finding Noel I proceeded to Oropos. I found the robbers outside the house in which the captives were lodged. Some of the robbers were lodged in some of the best houses. I was conducted to the captives. On entering I asked Takos' permission to deliver some letters to the captives. He gave me permission. I then said to Takos, "You are aware I have been sent by the Government. I am anxious to come to an arrangement about the captives." "Let us retire," said he, "to another room, and let Noel be present." We did so. I asked what his demands were, and begged him to confine himself to things possible. His first demand was amnesty, as he had previously intimated. His second was the ransom. I said to him, "Takos, you should not ask what it is impossible for the Government to grant. There is a law prohibiting amnesty." At that moment his brother Christo entered with a rosary in his hand, and began to walk about the room. I continued, "You have asked to see the Constitution, I am told, and have seen that it prohibits an amnesty. Accordingly the Government cannot grant it. Ask what is possible." "What prevents them?" said Takos. "The Constitution." "And who made the Constitution?" "The nation; and they that can make, can alter." "That is generally the case," said I, "but not always." "Then," said Takos, "let the nation that made it, meet to alter it." "But that," I replied, "even if possible, would require a great deal of time?" "How much time," said he; "we will wait ten months." Another robber said, "Yes; four years." "And in the meantime," said I, "will you keep the captives here?" "God sent them to us. Do you not think that God likes us too? Are we not Christians?" "Then," said I, "show yourselves good Christians by accepting the offer of the Government, which is your own interest to do. Ask what is possible; ask pardon, and you shall have it. That is a prerogative of the King: but pardon can only be given after a legal trial and condemnation. Make up your mind to submit to a trial, and I am certain that the trial will be over and you will have your pardon within fifteen days." Noel said he would go to prison with them. He told them also in the name of Valaority, that Valaority would go also to prison with them. Takos then said, "I will not go to prison." "To go to prison," said I, "is nothing; it is just the same as remaining in lodgings." "Let a Court be formed here," said Takos. "Let us take the Justice of the Peace and the President of the Municipal Council to try us. Let the Procureur du Roi come also to prosecute us, and then let us have pardon." "That is impossible," said I. "We cannot see the impossibility," said Takos. "Amnesty is impossible, and you will not submit to what is necessary for obtaining pardon. Agree to some other arrangement." "What other arrangement?" said Takos. I replied, "Take the ransom, with hostages,—myself first,—and go to any place of safety you like." "Would you have us to go to Turkey?" said Takos. "Do you think we should be in safety there?" "That is for you to decide," said I. "If Zaimis," said Takos, "should break his promise, and we should put you to death, do you think he would care a fig for that?" "But I would care much," said I. "If I expected such danger, I would not risk my life. There is another proposal," said I. "What is that?" said he. "To bring an English vessel here," said I, "in which you could embark for Malta, Africa, Italy, or for anywhere else you please. If you do not like an English ship, as you would have to lay aside your arms, Serpieri has a ship; you might embark in it with your arms, and be escorted by an English vessel." "We have Englishmen," he said. "You seem to be," said I, "men of honour. If you go to Malta, nobody will ask you any question. You will find it for your interest to remain there. Have you not the example of another person who did the same, and afterwards returned to Greece? Do you likewise." "No," said he, "we wish to have our heads in safety here." I told them that was impossible. "Unless we obtain that," said he, "we will put the captives to death." "And what would you gain by that," said I, "but your own destruction. Where could you remain in safety?" He replied, "We were so many years in Turkey, and opened so many holes" (found so many places of shelter). "They have been shut on you," said I. "We will open others," said he

"That," said I, "is impossible. Besides, why expose yourselves to such dangers, when you have it in your power to obtain so much money and security, without the necessity of running up and down?" "We will do it," said he. "There will be an occupation of Greece, and that will be the ruin of you." "What good," I asked, "would that do you?" "What have we to lose in that case?" said he. "Have you not relatives?" said I. His reply was, "We don't mind that; 'the wolf rejoices in the storm.'" "And why do you wish our ruin?" I asked. "Because," said he, "you persecute us unjustly." Our conversation continued for six or seven hours, but they persisted in their demands throughout. Occasionally, Takos, on whose lips a smile was never seen, appeared in high spirits. Christos was more obstinate. At last I said to them, "If you persist in your demands, and will not agree to what is offered, at least remain here." "No," they said, "we cannot remain here; that does not suit us; we wish to go where we please." "In that case," said I, "the Government considers itself released from the promise you received from the English Minister, as it was given for the purpose of saving the lives of the captives. If you drag them with you from place to place, their lives will be in danger, and you will place them in the same situation as if you were to put them to death. I tell you," I said, "the Government considers itself released from the promise; and if you move from this, you may meet a detachment of troops." "Ah!" said Takos, "you intend treachery then?" "Not at all," I replied, "you see our fairness. Remain here. If you remove from this, you will not be allowed to run about as sovereign robbers." They again softened down; but when I saw they would not come to terms, I told them that, as they did not seem disposed to accept any of the arrangements offered them, I was ready to depart. I then asked the captives if they had any letters to send. When they were writing, the three brothers were engaged in separate conversation. Suddenly, Takos comes forward, in great excitement, and called out, "We will put them to death immediately." "Why?" asked I. "Because," said he, "such is my determination, and no mere threat." He then turned to the captives, and said to them, "Write to the Ministers that unless the matter be settled to-morrow, we will put you to death." Conceive their position! I then took the letters, and came away. Before I came away, Christos entered. I showed him my instructions, which he read, and returned me. "You see, then," I said, "the reality of what I have been telling you." "I do," said he. I again exhorted Takos to yield to my advice, assuring him of my sincerity and desire to advise him for his good. "Good-bye," said he.

President. About the occupation of Greece?—*Witness.* He said (Takos), "These (the captives) are kings, and if we do them any harm you (Greeks) will be ruined."

President. Did you say that all the robbers took part in the conversation? *Witness.* The three brothers were in the room. That wise one (ironically) from Chalcis, instead of being of use to us, did great harm; and had it not been for him, I think I should have persuaded Takos. That brother Mr. Noel brought from Chalcis, thinking he would facilitate the arrangement and act with sincerity; but he (the brother) acted very differently from what was expected. That is my impression from all I observed.

President. Afterwards what took place?—*Witness.* I returned to Marcopoulo, and sent the Government a report of my interview. About half-past 4 in the morning, two horsemen arrived, and brought me a communication from the Government, and several letters from the captives. In this communication the Government directed me to blockade Oropos, as the Government had information that the robbers intended to leave Oropos, and the Government wished to prevent this.

President. Did you perceive that was their intention?—*Witness.* They told me they would leave Oropos; and they insisted that the promise given them allowed them to go where they pleased. I explained to them that the Government had understood they were to remain in the country-houses, and in that immediate neighbourhood, and this for the sake of the captives, and on account of the bad weather. The Government directed me, if the negotiation should prove fruitless, how to act. Accordingly I ordered those with me to get ready to start at 6 o'clock A.M. for Dilessi, where the two companies were, as I wished to concert measures with the Commander. We required more than five hours to go from Marcopoulo to Dilessi, as we could not go through the plain of Oropos, lest the robbers should see us. On arriving at Dilessi, I held a consultation with the officers, informing them of the orders I had received from the Government. All said it was necessary to send for Liacopoulos, as the river was not fordable, and that he would not be of any use if he did not join them. Accordingly he got notice to come to us with all the force he had; and I directed the detachments to follow. Some time after, there arrived a person from Oropos, one Joannis Mavros, whom Apostolides had sent there to reconnoitre the movements of the robbers. He informed us that the robbers were preparing to depart, and that they sought horses from the Sub-Demarch to cross the river.

On this, I sent a new order to Liacopoulos, directing him not to join us, but to station

the detachments beyond Sykamenon. But we were to attempt to blockade them in Oropos if possible. On our way we were met by the two horsemen I had sent with the letters, who told us that they had left the robbers quiet at Oropos. This information was at variance with what we had heard at Dilessi. Soon after, peasants from Sykamenon told us the robbers had crossed the river and were at Sykamenon. It was thus necessary for us to proceed thither, crossing the river. We did so. There was a hill there and another opposite, and on this side of the village. The robbers had two scouts, and we immediately observed the scouts running down to give notice of the approach of the troops. We found difficulty in crossing the river. A few feet passed on the croups of the horses, and others by holding each other by the hand; and we had great difficulty in carrying across the ammunition we had received two hours before. After crossing the river I collected the troops and proceeded. I now saw, on looking towards the fields, Anemoyanni coming towards me, and I waited for him. He said to me, "What is the meaning of this? They will kill the captives." "Did I not tell them," I replied, "to remain at Oropos?" "They thought," he said, "that Sykamenon is a village of Attica, and that they might go there." I ordered him to go immediately and tell the robbers to remain at the village and to inform them we have orders not to attack them, and that they would receive the ransom there. "I cannot," said he; "the robbers had gone on." I think this was a pretext of his to get out of the way, as he told me at Oropos that he intended to make his escape. I had asked him there if he could make his escape, and he told me that he could manage it. "And will you leave the captives?" said I to him; but he replied, "If no arrangement be made they may kill me too." From this I infer that he sought a pretext for going off. In the mean time the robbers had proceeded to a considerable distance. We pursued them and heard firing, as the robbers occasionally fired as they were running off. As the troops were trying to intercept them the robbers fired in the air to deter them from advancing. I believe that they fired in the air, as no soldier was wounded. The soldiers fired occasionally, but with reserve. If they had fired earlier they would have killed more. We now nearly reached the houses of Dilessi. There we heard considerable firing. The soldiers rushed on. There they found a greatacoat; further on we found capotes and shepherds' scrips which had been thrown away. A little further down I discovered the body of the unfortunate Herbert. It appeared to me that his eyes were still moving, and I ordered the soldiers to open his breast and see if there were signs of life. They told me that his heart was not beating, but that his body was still warm. I sent word to the steamer. Some of the soldiers told me that a little further up they had found the body of another of the lords. On proceeding uphill we found the bodies of two of the robbers. Afterwards we found Lloyd wounded in the back, and close by, in a bush, we found Christo Arvanitaki alive, whom the soldiers killed. Near him we found Jannaros, who rose and ran, but the soldiers fired two or three shots and killed him. At a small distance on the right a robber rose from a bush and cried out, "Do not kill me." He was ordered to lay down his arms, which he did (pointing to one of the prisoners). The soldiers bound him and beat him with the intention of killing him, saying, "Why did you kill the captives?" "Have you not also a captain, and will you not do as he bids you?" was his reply. He meant to say that the leaders of the robbers had ordered them to kill the captives. I caused him to be taken alive on board the steamer, and we continued the pursuit and reached Schimitari. Night came on and we saw no more of the robbers. Here was brought the body of Vyner, and next day that of Boyl.

President. Where was Boyl's body found?—*Witness.* About 500 paces from where Vyner's was, on the plain of Dilessi. Vyner was found beyond Schimitari; I wonder how he held out so long. He was the most gentle of all. The other two displayed great courage. When Vyner took me by the hand at parting, he said to me, "Try to do what you can."

President. Did you find any robber there killed?—*Witness.* I was told of one called Trakedas.

President. When did the conflict begin?—*Witness.* When the soldiers saw the robbers kill Herbert, they (the soldiers) became furious. I was there when they began to fire. When we found the body of Herbert, we had not yet come upon any robber either wounded or killed.

President. Then the first body you found was that of Herbert?—*Witness.* Yes.

President. When you visited Oropos, did you take notice of all the robbers?—

Witness. I did not; they kept going in and out. The captives were in one part; in another were robbers playing cards. Some of them came in and spoke to me, and particularly Yeroyanni. I perceived they were in strict subjection to their leaders. Not one of them presumed to speak while I was conversing with Takos, in their presence. In fact, as often as he spoke in their presence, he used a haughty and excited tone.

Colocotronis. When you were at Oropos, did you remark if all the robbers persisted

in demanding an amnesty?—*Witness*. I did not converse with all; some of them entered while I was engaged in conversation with Takos and with Yeroyanni. In their presence I spoke more generally: “Lads,” said I, “what I recommend is for your good. We offer you the ransom, security by sea and land.”

Colocotronis. Was there any difference of opinion amongst them?—*Witness*. I afterwards heard that the robbers would have been satisfied with the ransom, but that the chiefs persisted in demanding an amnesty.

Goulimes. You told us that the robbers said, “We will wait even ten months.”—*Witness*. Christos said, “We will wait even ten months, till the Assembly meets.”

Goulimes.—Did they understand they were at liberty to go where they pleased, and remain everywhere unmolested?—*Witness*. They understood that no Government authority was to interfere with them.

Goulimes. Where did they wish to go?—*Witness*. To Agrapha, as they thought they had kings in their power, and therefore imagined they could obtain whatever they demanded. People had put that into their heads, for they seemed very obstinate.

President. Did their obstinacy become greater after the arrival of their brother?—

Witness. I had various reasons for believing that I was on the point of persuading that wild beast; but as often as he conversed with his brother, I found him quite changed. He resembled those wild beasts that growl when they have victims in their claws.

Procureur-Général. Had you that suspicion when you first saw the brother of the Arvanitei with Noel?—*Witness*. It was only afterwards, on observing Takos excited whenever he conversed with his brother.

Procureur-Général. Did you entertain this suspicion before you left Oropos?—*Witness*. No, afterwards.

Goulimes. When you were discussing with the robbers, and they told you on what conditions they would release the prisoners, did they say they had asked persons in Athens, and had learnt one thing and another?—*Witness*. No.

Goulimes. When did you receive the impression that the brother whom Noel brought with him had irritated the Chief through the influence of one brother on another?—*Witness*. While I was conversing with Takos, his brother was not present; they conversed together always in private, and as Takos always came out greatly excited, it appears to me that the brother, instead of softening him, made him more obstinate.

Goulimes.—While you used a courteous bearing towards him did he become excited?—*Witness*. I did not excite him.

Colocotronis. If the brother desired Takos' restoration to society, he thought the best opportunity was his asking an amnesty?—*Witness*. I believe the brother wished to take the money and remain altogether, all sharing in the advantage.

President. Sit down, witness. Call Stamatis Apostolides.

Tenth witness, Stamatis Apostolides (Captain), 55 years of age, born at Dramasi, resides in Athens, of the Greek Church; knows the prisoners, except Kalomiris and Katsounis, is not related to any of them.

(The witness is sworn.)

President. What do you know of the conflict that took place near Oropos?—*Witness*. I had been ordered to proceed to . . . and there wait for Mr. Théagénis. He arrived on the 9th April about noon, and told us that the robbers had rejected the terms offered them, and ordered us to invest Oropos. I took the precaution to send a detachment to occupy a position. I sent thirty men, and I directed sixty-two to occupy a church there. I added that they were not to offer the least molestation to the robbers in any way whatever, and that, if the robbers should fire, they were to retire beyond the range till we arrived. The detachment left the village where we were, and I took the precaution of going with them. We all marched off towards Oropos. On the way we learnt from the peasants that the robbers had left Oropos; consequently we changed our route and proceeded towards Sykamenon; when we arrived opposite Sykamenon, we saw the scouts of the robbers running down from the hill at great speed. We then proceeded to the river, which we found unfordable. In the meantime we sent a detachment to intercept the passage of the robbers, and prevent them from advancing. Leotsakos went, but was unable to cross. He had forty men with him; the detachment finally succeeded in crossing. We then tried to get the rest of the troops across; but as it would have taken two hours to get them all across, those who had already forded the river advanced together with Théagénis, and this detachment overtook the robbers.

The detachment, after it had passed the river, found the bodies of two of the captives. When we overtook them, and attempted to persuade them to remain, they paid no attention, and finally fired at us. Leotsakos ordered his soldiers not to fire; on this the

soldiers said, "Why do you prevent us from firing? Don't you see they have massacred the captives?" Then the soldiers rushed forward, and what happened, happened.

President. Has the Counsel for the defence any question to put?—*Counsel.* No.

President. Stand down, witness; that will do.

President. Spiridon Bonis.

Eleventh witness, Spiridon Bonis, 24 years of age, sergeant of infantry, born in Athens, resides in Attica, of the Greek Church; is not related to any of the prisoners.

(Witness sworn.)

Knows Alexis Chormovas and the other three robbers captured at Dilessi.

President. On what day did the encounter take place?—*Witness.* On Thursday.

President. Where did you remain all night?—*Witness.* We waited for the commander.

President. Did he come?—*Witness.* He came, and he marched for Oropos. On the road we met a peasant who told us that the robbers had left Oropos, and crossed the river on mules. We then pursued them. Some of the soldiers that overtook them called out, "Do not harm the captives; stop and take the ransom." But the robbers finally killed one of the captives. On this the party of soldiers who were on a hill called out, "Why spare the robbers? They have killed their captives." Then we all rushed on.

President. Who was killed first?—*Witness.* The Secretary; his head rested on a bush.

President. Was any one else near?—*Witness.* Five or six paces off were robbers.

President. Did you find the body of any other captives killed?—*Witness.* We found one killed with a yataghan.

President. Were there many soldiers who came running there?—*Witness.* Three or four. They had been on the hill, and saw what the robbers were doing below them.

President. What did they tell you?—*Witness.* "What are you hesitating about? they have murdered the captives." We then ran and surrounded them, and commenced a conflict.

President. Did you capture any of the robbers?—*Witness.* Yes, Alexis. (That is he, pointing to him.) He rose from a bush, and we ordered him to come out. He did so, and said, "Don't kill me, lads."

President. Did you catch any one else?—*Witness.* No.

President. Were no other robbers taken alive?—*Witness.* Next day there were.

President. Near where?—*Witness.* At Dilessi.

President. Did you see them when they were brought in?—*Witness.* Yes, certainly.

Procureur-Général. Where there any cavalry there?—*Witness.* There were.

Procureur-Général. Many?—*Witness.* Twenty-five.

Procureur. Did they attack them?—*Witness.* Some of them had retired.

Procureur. Was the ground level?—*Witness.* It was sandy, and fields.

Procureur. Could not the cavalry act?—*Witness.* No, the space was small.

Procureur. Explain yourself. If the place was sandy and consisted of fields, the cavalry could act?—*Witness.* No, it could not.

President. Could the cavalry, if it had advanced quickly, have intercepted the robbers?—*Witness.* I don't know; but I should say they might have cut them to pieces.

President. Was the place rugged?—*Witness.* Yes, only mules can get up.

President. So that it was not easy for the cavalry to ride over it?—*Witness.* Before you come to the hill and on the plain they could.

President. Then they might have done so?—*Witness.* No, because they were afraid that the robbers would kill their captives.

Goulimes (Advocate). Did you hear what they said to you, "Why do you spare them? they have killed the captives." Did not the cavalry hear that?—*Witness.* It was at a distance.

Goulimes. Then they did not advance, because they had not heard that the captives had been murdered, and did not wish to intercept the robbers lest they might kill their captives?—*Witness.* Certainly.

President. You can go down, witness.

Twelfth witness. Georgios Economides, born at Delonas, resident at the port of Oropos, 50 years of age, Mayor (Demarch) of Peræia, of the Greek Church; is not related to any of the prisoners.

(Witness sworn.)

Knows Monachos, Alexis, Pericles, and Photis.

President. Were you at Oropos when certain Englishmen were captured?—*Witness.* No, I was here in Athens. On the 4th of April I went to Port Oropos, on Palm Sunday; five or six robbers entered the church of Port Oropos, where they took part in the service along with us.

President. Were any of these four amongst them?—*Witness.* I do not remember; but Christos, the brother of Tako, was one of them. When he was coming from the huts of the Wallachs, he asked me outside the house of Paparigopoulos, near where I reside, who I was, and what was my name. I said to him that I was called George Economides, and that I was the newly-elected Mayor (Demarch). "We are going," he said, "to the church." I made no reply. He went towards the church, where I went also with my family. All the robbers were in church, and remained till the end of the service. They received palms, and came out before the rest of the congregation. I came out afterwards with my family, and went to my house. Shortly after, the remainder of the band arrived from the Wallach huts, escorting the four captives. I was standing outside Paparigopoulos's house. The captives looked at some antiquities at the door of Paparigopoulos's house. I then went forward to see the captives. On this, one of the robbers whom I did not know came up to me and said, "What is your name?" Christos Arvanitakis then told him I was the newly-elected mayor, and informed me that it was his brother. "What is his name?" I inquired. "He is called Takos, or Demetrius—Captain Demetrius." Subsequently, they came into my house; first the captain, and then all the robbers except two, who were acting as scouts. I asked them what I could offer them; they answered, "Whatever Captain Demetrius pleases." I offered them a little raki, and afterwards coffee. They remained a considerable time smoking. Captain Demetrius gave me permission to ask the captives how they were. I replied that I did not speak any foreign language, and did not know if they understood Greek. He pointed out to me one of them of tall stature, and requested me to sit down near him, as he understood a little Greek. I went up to him and asked him at first his name. He told me it was Herbert, and that he was Secretary to the English Legation. He then rose and introduced me to the rest of the captives, both in English and French. We shook hands with each other. I placed myself near him, and inquired how they were getting on. He replied, "Well."

Captain Demetrius then spoke, and said to me, "What news is there from Athens, from whence you came yesterday?" I replied I had learnt that these foreigners had been captured by him. "Hey, what do people say about the matter?" "The newspapers say a great many things." "Will the matter be arranged?" he inquired. I answered, "I do not know. What do you propose, and what do you ask?" "I asked at first 50,000*l.* and an amnesty for all the robbers. Since then I have reduced the terms to 25,000*l.*, which they offered me. They have agreed to the ransom, but they tell me they cannot give me an amnesty," Mr. Herbert then spoke, saying, "I have frequently urged Captain Demetrius to agree to terms, as we cannot do anything respecting an amnesty, which concerns the Greek nation. The money which we promised we are ready to give, as that is in our power, and concerns us."

I said to Captain Demetrius, "Will you not consent to take the 25,000*l.*, and release the captives, and settle the affair?" "Yes," said he, "but I do not place so much stress on the money, as I am not so much in want of that, as I am desirous of saving my life. My main object is to save our heads. I consent on condition that myself and my comrades and three or four others be pardoned." Who these were I did not inquire.

I then entered into a conversation on the impossibility of their obtaining an amnesty. Herbert remarked, addressing himself to Takos, "I have often told you, Captain Demetrius, that an amnesty is impossible, being prohibited by an express law." Takos then said to me, "Have you got that devil of a law?" I replied, "Yes." "Let me see it," said Takos. I went and found the 39th Article of the Constitution, which I read to him; and, with reference to the phrase, "The King can only grant an amnesty in case of political offences," he (Takos) rejoined, "Let them consider this a political case, for these captives are civilians (politikee)." To this I could make no reply. On this he shrugged his shoulders, and, looking at me, said, "What do you say to that?" I replied, "I really do not know what to answer. The matter cannot be considered political." "Never mind," said Takos, "Let it be considered political, for the captives are foreigners and civilians (politikee) and not military men."

This discussion continued amongst the robbers aside, who were evidently not agreed amongst themselves. Takos then coming forward said, "Is it not possible to try us and condemn us to death, and after that the King can grant us a pardon?" I replied I did not know how far the law might permit the King to grant a pardon in such cases. If, however, you will give yourselves up to justice, I believe the King will consent to grant you a pardon. "Ah!" said Takos, "it is impossible for us to give ourselves up to justice."

Would it not be possible to send a Court to some country place—Tatoï, for example?" I said I did not know if that was possible. Finally, he insisted exclusively on this point, saying, "I wish to save my own life and those of my companions." "But there is another way," said I, "of arranging the matter. Take the ransom, release the captives, and ask the Government for two or three distinguished hostages, and continue your journey in safety to the frontiers and thence go wherever you like, as you will have plenty of money." "Ah!" replied he, "the hostages will be no use to me; I have already as hostages these fat sheep. Tell me if what I propose is possible." I said I did not know, as the law prohibits such a thing. "But what do people say?" "Everybody in Athens says the thing is impossible," I said. "Then," said he, "what is to be done?" I replied, "You know best." He replied, "We shall put them to death; and nothing else will be accomplished but the death of three or four persons, and those persons of distinction too." "Yes," I replied, "they are persons of distinction, and you ought not to think of proceeding to such an extremity, as you will bring a storm on the nation." "I care nothing about the nation," said he; "the wolf rejoices in the storm. What do you answer to that?" he again asked. I replied, "Tell me your last terms. If you like I can write to Athens, because I came from there yesterday, and can state your demands to the Government." He said, "Instead of writing it is better that you should go yourself to Athens." I replied, "I could not do so conveniently, as I came from there yesterday." He said, "That does not matter." Herbert, hearing our discourse, came near me and said, "I, too, earnestly request you to make up your mind to go to Athens, as Captain Demetrius proposes to you. We shall give you two or three letters from us; and I believe an arrangement will be effected." I reflected a little. He afterwards asked me what determination I had come to. "I don't know what to say about it." "You must go," said Takos, "and if you are afraid I will give you five or six lads to escort you." I replied, "No, thank you." Finally, he said, "You must go." And he subsequently inquired if the upper story of the house was inhabited. I said, "No, it is shut." "Who has the keys?" I replied, "The overseer of Paparigopoulo." "Tell him to open that we may see it." I spoke to the agent, who opened the doors and we went in. The robbers began to look at the pictures in the principal room, amongst which was a portrait of His Majesty the King. On observing which, Takos asked me, "Who is that?" I said it was our King. "He is very young," Takos replied. I inquired if he did not know him. "I don't know him," he said, "because I have been out of the community since 1857."

President. What did he mean by being out of the community?—*Witness.* I suppose he has been a robber from that time. He now asked his comrades if dinner was ready. They said, they did not know. He said, "Let one or two lads go to the Wallach tents and see if it is ready." We sat down. The lads returned and told us it was nearly ready. The robbers then invited me to go and dine with them at the Wallach tents. I replied, "As you desired me to go to Athens I must immediately prepare for my journey." Christos, Takos' brother, said, "Let them prepare to set out this evening." Mr. Herbert asked me for some writing paper. I gave him some, and he said, "I shall give you two letters, one to M. Valaority and another to the Minister, Mr. Erskine, both sealed, which I request you will yourself deliver into their own hands; otherwise, to return them to me." Soon after the band and captives went off to the Wallach tents. Two or three hours afterwards, they gave me two letters, one for M. Valaority and one for Mr. Erskine; they also gave me a third for M. Zaïmis, the Prime Minister, which was from the robbers. The letters were brought to me by the interpreter, Anemoyanni, accompanied by a Wallach and two robbers. He read the open letter to me in my presence. It said, as far as I can recollect:—

"M. Zaïmis, Greeting.—We perceive you are trifling with us. You send us emissaries altogether insignificant. They bring us words, and we give them words in return, and nothing comes of it. The Demarch Œconomides is now going to Athens; you can speak with him, and he will tell you our final decision. See about the matter between this and to-morrow, or the day after to-morrow at 10 o'clock; otherwise you will have to answer for it. This is all we have to say to you.

(Signed) "YOU KNOW WHO."

Having received these letters I started for Athens. Arriving there, I delivered the letters. By order of the Prime Minister I presented myself, on the 6th April, to the Council of Ministers, held in the house of M. Zaïmis. I was asked about all the matters I have mentioned. They told me the Government had resolved to send M. Théagénis, as their representative, to the robbers. They inquired if I knew him, and I replied I did. They asked me if I thought M. Théagénis' mission was likely to produce any result. I

answered, "I do not know what instructions you have given him." They then explained to me what they were. He was to propose to the Arvaniti to accept the ransom, to release the captives, and to embark in a vessel under any flag they preferred; or, if they did not like that, to proceed under the security of hostages wherever they liked. They then asked me if I thought they (the robbers) would consent to embark. I replied I really could not say. I did not talk on the subject with the robbers. I believe, however, that they will consent, for other persons embarked under the English flag and afterwards became good citizens. I cannot, however, be certain that they will consent. Finally, they gave Théagénis his instructions, who was present at the Council, and ordered us to set out immediately.

At 4 o'clock next morning we left Athens with Théagénis, as he was not acquainted with the localities. We arrived at the place where we halted at about 3 to 4 o'clock in the afternoon, and, as it was so late, Théagénis thought proper to send a person to give notice to the robbers that an Envoy from the Government had arrived for the purpose of having an interview with them. The messenger returned and informed Théagénis that they would expect him next morning at Oropos, as they had left the Wallach tents and removed to Oropos, about three-quarters of an hour distance. In the morning we started for Port Oropos, and from thence Théagénis went to see the robbers. After the lapse of many hours Théagénis returned to Port Oropos, and from thence proceeded to Marcopoulos. From him I learnt that his mission had had no result, and that the obstinacy of the band respecting the amnesty was perfectly Jewish, and that they had accepted none of the other offers. Théagénis had returned to Marcopoulos to send his report to the Government.

About this time the steamer "Aphroësa" arrived and the Commander sent to obtain news about the robbers. I told the Captain's messenger that the robbers were at Oropos with the captives, and he remained a considerable time. On leaving Port Oropos I met a young man coming from Oropos, sent by the robbers to ascertain what the steamer had brought. I told him it had not brought anything, and that it was merely the vessel that regularly cruised in the gulf. The young man returned to the robbers.

That evening I went on board the steamer, where I staid all night. The next day the steamer sailed for Chalcis. I thought it expedient to go in her to Chalcis. I went. I sent a telegram reporting what I knew of the robbers, where they were and what was the final decision which they communicated to Théagénis. I was under the impression that Théagénis' report had not yet reached the Government. On Thursday, about 3 o'clock P.M., we left Chalcis, and proceeded to Port Oropos, supposing the robbers were still at Oropos; but the Commander of the steamer observed on the coast, between Dilessi and Salessi, detachments of troops on the opposite hills, and on the plain below, he saw the robbers running off with the captives in the midst of them. It appeared to him, however, that the detachments did not see the robbers. He then fired three blank shot to apprise the detachments. They immediately advanced to the side of the hill and saw the robbers. We now heard firing near Dilessi. We went to Dilessi and had a sight of the encounter with the robbers. We met with Théagénis, who told us that there were captives hard by wounded. Run, said he, and give them every assistance in your power. We ran on with some sailors, and found the dead body of Herbert, wounded by a sword in the head. We carried his body to the boat. Afterwards it was announced to us that there were other bodies of captives further on. We went to the place pointed out, and found Lloyd dead and Christos lying near him. Soldiers told us that three other robbers had been killed further on. We went and found them. Beyond Christos we found another robber wounded. He was captured, but soon after died of his wounds. Near him, we found Alexis in a bush, who was immediately taken alive by the soldiers and conveyed to the boat. It began to rain heavily while the fight was going on, and we returned to the steamer, not knowing what had become of the other captives or the rest of the robbers. We reached Chalcis at 10 o'clock P.M., and telegraphed what had occurred, stating that two of the captives had been found murdered, and that four of the robbers had been killed and one taken alive, and that we were ignorant of the fate of the other captives and of the rest of the robbers.

President. Were the other captives found?—*Witness.* They were found next day, as I learnt on returning from Chalcis.

President. Does the Procureur-Général wish to put any question?—*Procureur-Général.* No.

President. The Jury?—*Jury.* No.

President. Counsel for defence?

(Here the prisoner Kalomiris is conducted out of the Court by a gendarme, consequently no further permission takes place.)

President. Petros Leotsakos, born in Laconia, resides in Athens, Lieutenant, 36 years of age, of the Greek Church. He is not related to any of the prisoners, knows Monachos, Chormovas, Economos, and Villiotis.

(Witness sworn.)

President.—Can you give us an account of what took place at Dilessi?—*Witness.* On arriving there from Salessi we marched for Sykamenon, expecting to find the robbers with the captives at Oropos. On our way to Sykamenon we met two peasants, who informed us the robbers had left Oropos and were going towards Sykamenon. We accordingly pressed on with all speed, to prevent their crossing. Soon afterwards two other peasants informed us that the robbers had already crossed the river. On this we left our baggage and made for Sykamenon, and soon reach the river, but found it unfordable. We made use of the cavalry, and some foot soldiers forded the river by keeping hold of each other's hands. We immediately proceeded with the intention of taking possession of Sykamenon. On approaching, we learnt that the robbers had left that place. We concentrated our forces outside of Sykamenon, to follow the robbers and observe what they were doing and in what direction they were going. Here the interpreter of the captives arrived. Then I asked him why he had left the captives; he told us the robbers had sent him away. I desired him to go and invite the robbers to stop, and to assure them they had nothing to fear from us. He refused to go, saying he was afraid. We then entered Sykamenon, directing our march to Dilessi, and endeavouring, if possible, to intercept the robbers. We did what we could, but we were very few in number. We overtook them. On seeing us they began to fire. I forbade the soldiers to return the fire. When we had got still nearer, they fired on us about ten shot. I again forbade returning the fire; but now the soldiers cried out, "Why spare them? they have massacred the captives." We then commenced firing. The robbers now separated into two parties, the one going towards Dilessi, the other in another direction. We marched on and surrounded the wood. There we found Christos Arvanitaki in a bush. One of the soldiers having called out, "Here is one of the robbers," I ordered him to call upon the robber to surrender. On the robber's refusing to surrender, he was killed by the soldiers; his arms were taken. After this, we found that one there (pointing to Chormovas), who called out to two soldiers that found him, "Don't kill me," and I ordered them to spare him. On my saying to him, "Why did you kill the captives?" he replied, "Our leader ordered us to do so." "And was that right?" I asked. He replied, "You ordered the soldiers to spare me, and they did so. If you had ordered them to kill me, they would have killed me. In like manner we obey Christos."

President. What was the distance?—*Witness.* About 200 paces from the spot where the encounter took place.

Procureur-Général. Was there no cavalry?—*Witness.* There was, but at a distance.

Procureur-Général. How far off?—*Witness.* Twenty or twenty-five minutes.

Procureur-Général. Why did the cavalry remain so far off when they might have rendered important assistance? Who had given these orders?—*Witness.* Théagénis.

President. If the cavalry had been with you, would the nature of the ground have allowed them to act?—*Witness.* It was partly uneven; but there was one place where they might have acted with effect.

President. How far off was the ground where they might have acted?—*Witness.* Twenty minutes; but our great object was to save the captives; we thought of nothing else.

President. Please state the distance between the spot where the cavalry was and that where the encounter took place?—*Witness.* About an hour.

Procureur-Général. From the spot of the encounter to where the ground becomes uneven and to where the wood begins, what is the distance respectively?—*Witness.* The ground is even and uneven alternately.

President. Let the witness Théagénis be asked.

Procureur-Général. Mr. Colonel, as you directed the movements, please explain to us something which has not yet been explained. We should like to know why the cavalry did not take part in the encounter. Was it the nature of the ground that prevented it? or could it have acted with effect?—*Witness* (Théagénis). Our object was to intercept the robbers. Had the cavalry come up in time to take part in the encounter, as the spot was level, it might have acted with great effect.

Procureur-Général. Why, then, when it might have come to the aid of the foot, did it take another direction?—*Witness.* I asked the officer commanding the cavalry that question, and he said the nature of the ground prevented him from coming on.

Procureur-Général. Who was he?—*Witness.* Manousos.

Procureur-Général. When you gave the instructions to the troops, did you expect an encounter between the troops and the robbers?—*Witness.* I did not. My expectation was that the robbers on seeing the troops would turn back. It is quite true that if the cavalry had been on the plain in time it would have been of great service.

President. That will do; sit down.

President. Syotes.

Savros Syotes, born at Salessi, resides there, 55 years of age, of the Greek Church, a husbandman; knows Photis Œconomos and Alexis Chormovas, is not related to any of the band.

(Witness sworn.)

President. Did Apostolides send you to Oropos on the Thursday before Easter?—

Witness. Yes. I went there and found Christos with his brother. I advised them to take the ransom and release the captives, but I could not persuade them to do so. "What else would you have?" I said. "For money you became robbers in Turkey. With 25,000*l.* you might purchase ten estates. Amnesty is impossible." I perceived their obstinacy and I did not venture to proceed further, as they were armed. I afterwards took Photis and another robber aside and repeated the same advice to them. They merely said, "They should give us an amnesty." "That is impossible," I said. "Besides, if you had it, and were to appear next day in the market place, I myself would kill you as robbers." They replied, "Let the Government give us an amnesty, and then let anybody try to harm us." Another one joined us, who was equally obstinate, and I left them.

President. Which of them did you see?—*Witness.* Alexis and another.

President. Did you see any other robber?—*Witness.* No.

President. Were you present at the encounter?—Yes. When the soldiers approached the robbers they called out to them, "Stop and take the money." But the robbers made no reply, but threw away their capotes and scrips, which are the robbers' house, and ran off with their muskets. When the soldiers saw the captives had been murdered, they fired on the robbers, who had previously fired.

President. Does the Procureur-Général wish to put any question?—*Procureur-Général.* No.

President. The Jury?—*Jury.* No.

President. Counsel?—*Counsel.* No.

President. Let Geramanos be called.

Born at Capandriti, resides there, 27 years of age, a landed proprietor, of the Greek Church; knows Lioris, Monachos, and Chormovas; is not related to any of the band.

(Witness sworn.)

President. Were you at Oropos?—*Witness.* I went there, met with the robbers, and had a conversation with them.

President. What led you to go?—*Witness.* I went because when the robbers were at Keramidia, a friend came to me and said so and so. He told me the demands of the robbers were great, and impossible to be granted. That they demanded 50,000*l.* and an amnesty for the whole band, release for their comrades in prison, and so on. On asking who was negotiating the matter he said one, Silamis, who was quite unsuitable. He went away the same morning, and the same evening the detachment went off on its way to Cephissia. The Commander of the detachment came with a few soldiers to our village, and I perceived he was very much distressed. On asking the cause he told me that on coming down to our district he had met the robbers with the captives, and wished to do something. Anemoyanni had been sent, and went to the others to desire them not to do anything. On this I went to the robbers, and conversed with them. I told them an amnesty was impossible, and that the Government would be indulgent if they would release the captives. If I had had other ten men with me, we might have taken the captives. When I told this to the officer, he went away in better spirits. I had said to him, "Don't you see what may be done? Will you join me in a plan? Let us arm forty peasants." But previously intelligence had been received that the robbers were at Oropos enjoying themselves. The sergeant at first would not listen to my plan, but afterwards he did; but it was necessary to communicate it to the officer who had formerly destroyed part of the band. It was necessary that somebody should go to him, and I went myself. I found him in the house of Œconomides. He returned. I asked him about the letter sent. He said

he had not got an answer. I told him the opportunity should be turned to account. Afterwards he received his orders, and I came away.

President. Sit down, witness.*

Sixteenth witness. Jannis Liacouras, born at Salessi, guide, resides there, 25 years of age, husbandman, of the Greek Church; knows Monachos, Chormovas, and Villiotis; is not related to any of the band.

(Witness sworn.)

President. What do you know of the late events at Oropos?—*Witness.* Starting from Oropos, we met a peasant, who told us the robbers had left Oropos, and had gone to Sykamenon. We accordingly turned to go direct to Sykamenon. The robbers saw us, and fled. We crossed the river. At Sykamenon we called to the robbers to stay and take the money. Their sole reply was, "Back, rascals; where are you going?" When the robbers reached Dilessi, which is two hours and-a-half from Sykamenon, they began to fire on us. On reaching Dilessi, we found the body of one of the captives that had been murdered. On this we attacked the robbers. Four or five of them were killed. With my own eyes I saw that prisoner (pointing to Alexis), striking with his sword the captive with the long beard. Thence, we pursued the robbers as far as the wood, where the robbers turned and fired upon us. We saw them pushing to a wall, with the but-end of a gun, the youth; and then we saw one of them take out a pistol, and shoot him. That robber I afterwards killed at Paliopania, at Schimatari. I should have shot him at the moment he was killing the youth, but my gun was not loaded. The name of the robber that killed the youth was Stathaki.

President. How did he kill him?—*Witness.* He shot him in the back with a pistol.

Goulines (Advocate.) How far was that from the place where the other Englishman was murdered?—*Witness.* Half-an-hour further on.

Procureur-Général. Which robber killed the Englishmen?—*Witness.* I first saw Alexis striking him with his sword.

Procureur-Général. Do you remember the countenance of the first Englishman that was killed?—*Witness.* He was tall, with a long beard.

Procureur-Général. Tell us which party fired first?—*Witness.* The robbers fired first, and afterwards we fired.

Procureur-Général. Had any captive been killed when you fired?—*Witness.* The first, the one with the beard, had been killed.

Procureur-Général. And how far off was the first from the fourth, found?—*Witness.* An hour's distance.

President. How far the second from the first?—*Witness.* A stremma (one-third of an acre).

President. The third?—*Witness.* About half-an-hour, and the fourth an hour further up.

Colocotronis (Advocate). Another witness said that another robber struck the Englishman with his yataghan.—*Witness.* I saw him there (pointing to Chormovas), striking him with his sword.

Colocotronis. Another witness said that Catarachia killed him.—*Witness.* Chormovas struck him; I saw him.

President. The robbers, when previously examined, said that Catarachia killed him. No witness has said so.

Colocotronis (Advocate). How far off were you?—*Witness.* A stremma and a-half. No other robber had a sword of that kind (scimitar).

Photis Œconomos (one of the prisoners), here said, How do you know, fellow, that none of the rest had a sword of the same kind? You ——!

Procureur-Général. Were the bodies in one line?—*Witness.* No. One was here, and another was there.

Colocotronis (Advocate). How long, after Herbert was killed, was it that you took the robber alive?—*Witness.* Nearly at the same moment.

President. Sit down, witness.

Colocotronis (Advocate). I should like to put a question to the first witness, Tzouanis.

President. Call Tzouanis.

(The witness Tzouanis comes forward.)

Colocotronis (Advocate). You said that the first encounter took place at the fold, and

* *Note of the Shorthand Writer.*—This witness spoke in so low a tone of voice as to be scarcely audible. For this reason his statement could not be distinctly reported.

that Tasoulas was wounded there. How much time elapsed from that to the encounter at —?—*Witness*. An hour.

Colocotronis. Has the place any particular name?—*Witness*. It is called Vetrisa.

President. Was Tasoulas present at the encounter with the Arvanitéi last year?—

Witness. He had been a short time with the band of the Arvanitéi.

Tasoulas (prisoner). Yes; I had been seventeen days, when I was wounded on the 17th January.

President. Was any soldier killed there?—*Prisoner*. A sergeant was killed.

President. Were you previously with any other band?—*Prisoner*. I was in the Turkish territory. I was with one Canda, and with Caravida; and lately, when I joined the Arvanitéi, I had been with Patsavoura.

President. Had you been long a robber?—*Prisoner*. Not long; not quite two years.

President. Leonidas Kalomiri, did you do anything?—*Kalomiri* (prisoner). At Ritzana I was wounded, and there was an end of it.

President. N. Catsounis, were you at Ritzana with Kalomiri? How did you happen to be there?—*Catsounis* (prisoner). We were wounded; we were with the Arvanitéi.

President. Do you know if Sergeant Speliopoulos was killed there?—*Catsounis* (prisoner). When we were firing I could not see who was hit, and who was not.

President. Did you (the robbers) fire first?—*Catsounis* (prisoner). There was firing. Can there be firing and nobody killed? If you try to hit me, I'll kill you. The robber never attacks first; the soldier attacks the robber. The robber is never caught, except through treachery. Treachery here, and treachery there, they attacked us. They pursued us till it was night. We fought—we ran off down-hill. They kept firing on us four hours. The country people pursued us, and before it was night they killed five of us.

President. Did you (the robbers) kill one or two soldiers?—*Prisoner*. If you fire on me, won't I try to hit you?

President. Alexis Chormovas, what do you say?—*Chormovas* (prisoner). I was with that band. As to killing anybody, I know nothing of that at all.

President. A witness says he saw you killing an Englishman.—*Chormovas* (prisoner). I was taken after sunset; how could he see me?

President. Costa Monachos, were you with the band?—*Monachos* (prisoner). I was; I do not deny it. As they treated us, so we treated them.

President. What led you to become robbers?—*Monachos*. We are robbers, and we take money wherever we can find it.

President. Pericles Lioris, what have you to say? Were you in the band; why did you murder the captives?—*Lioris* (prisoner). We went to the Wallach tents at Port Oropos. Whatever our leaders did, they never consulted us in the matter. Thence we went to Sykamenon. They told us to take clean beds for the captives. When we spread out the beds, the gentlemen, the captives, sat down. The scout arrived. "What is the matter?" asked the leaders. He said, "The cavalry are on us. There are forty horsemen, and about forty foot soldiers." We sent a message, said Lioris, and nobody came with an answer. We ran here and ran there, and we saw the troops upon us. We went to Dilessi, the soldiers afterwards. The leaders called out to the soldiers, "Don't come near us or we will kill the lords." "Stop, rascals," cried the soldiers, "and you will see what amnesty you will get." At last, at Dilessi, they fired a discharge of musketry.

President. The witnesses say that you fired first?—*Lioris*. The witnesses say their say, and we say ours. The youth Vyner was running a-head. As we were going on, the soldiers fired on us another discharge of musketry. One shot hit the youth and down he fell (confusion and expression of indignation in the audience). It grew dark; again another discharge of musketry from the soldiers.

President. How was it that the youth was killed and none of you?—*Lioris*. Two were killed that were a little further on. Killed! why eleven of our comrades were killed. If we had wished to kill the youth we could have done so and escaped.

Procureur-Général. Were you in the rear of the youth?—*Lioris*. The youth was a-head of us. But all we say now is useless, we are not believed.

President. Photis Economos, what have you to say?—*Economos* (prisoner). The Government wrecked us, wrecked the foreigners, wrecked all of us. On another occasion the half of our band was killed, and yet we did not kill our captives. At Dilessi we called out to the troops, "Don't attack us." The cavalry kept back a little, and that gave us some relief. But the foot soldiers came on firing upon us. Our comrade Barbayanni was wounded. I stopped to assist him, and then I was wounded myself. I left Barbayanni, called to my comrades for assistance, "I am dangerously wounded." Then this one stopped and helped me along till he was wounded himself. After that I did not see what became of the other captives. But as to the youth, and the Italian, I tell you as I have a soul to give to God, they were killed by the soldiers.

Œconomos, the prisoner, who had been supported by a gendarme, now fell down on his litter from exhaustion.

Here ended the examination of the witnesses and of the prisoners. Time half-past 11 P.M.

The President orders an intermission of an hour.

No. 5.

Mr. Erskine to the Earl of Clarendon.—(Received June 12.)

My Lord,

Athens, June 4, 1870.

AS I observe from the debates in Parliament that some doubt is still entertained as to the source whence the ransom of the unfortunate captives was to have been obtained, I deem it my duty to state that the Greek Government never addressed any communication to me on the subject.

It is true that at my first interview with the King, on his return from Syra, His Majesty stated to me that he had given orders that whatever funds might be requisite were to be furnished by the National Bank or the public chest; and, of course, if there had been the least difficulty in procuring the money, I should not have hesitated in availing myself of His Majesty's most generous offer. But I looked upon the question of liability as one that would have to be officially discussed between the Governments of England and Greece, and I did not think that it would have been becoming in me to attempt to fix upon His Majesty personally a liability which could more properly be settled with his Ministers.

I usually saw MM. Zaïmis and Valaority several times a day; but I cannot recollect that either of them said one word which would have implied that the Hellenic Government were prepared to pay the prisoners' ransom.

I may take this opportunity of doing justice to the person who really was to have provided the ransom. It was Mr. Merlin, the General Manager of the Ionian Bank, who, without a moment's hesitation, undertook, on my own responsibility and that of Lord Muncaster (with whom he had no previous acquaintance whatever), to furnish a sum of 20,000*l.* in specie to pay for the ransom of the four English captives, which he was to have borrowed from the National Bank, and which was to have been repaid to that establishment in a limited number of days or weeks by the Ionian Bank.

I have, &c.

(Signed) E. M. ERSKINE.

No. 6.

Consul Stuart to the Earl of Clarendon.—(Received June 10.)

My Lord,

Kidwell's Park, Maidenhead, June 9, 1870.

HAVING lately seen in the public journals some letters on the subject of brigandage in Epirus and Thessaly, I think it my duty to submit to your Lordship a few observations intended to rectify the conclusions to which those letters would lead.

That brigandage has long been, as it were, chronic in those provinces, is a matter of notoriety. It is almost the hereditary calling of the inhabitants of Colonia in Central Epirus, and of Agrapha on the frontier line, at the junction of Mounts Pindus and Othrys. These are the chief, but not the only nurseries of brigandage in those parts. They are both mountainous regions, rugged, wild, and difficult of access; and both are inhabited by cognate tribes of Albano-Vallachs, a cross-breed, in which the Ishmaelite character is strongly developed.

The men of Colonia, as a rule, confine their operations to their own neighbourhood; while those of Agrapha, better known by the name of Karakatchans, traverse all the frontier districts, overrun Thessaly, and extend their raids through Continental Greece, always maintaining intelligence with the native brigands, whether of Acarnania, Ætolia, Bœotia, or Attica. There is good reason to believe that the Oropos band, so painfully known to the public, was, in part at least, composed of Karakatchans, and the name Arvanitiko, which means Albanian, points more or less distinctly to the origin of their leader.

In addition to these tribes of what may be called professional freebooters, whenever brigandage is more than usually rife in the country, many take to it for the time being, and the peaceful villager of the day, ploughman, shepherd, or petty dealer, is often the burglar or highwayman of the night. It is, moreover, generally aided and abetted in secret by

influential parties and others, both in town and country, who, before the public, pretend to a character for respectability.

But brigandage is not a political institution in Epirus and Thessaly. The local authorities may, not unfrequently, have been remiss in proceeding against it, and charges of connivance, and even of participation, have been made against the police; but no one accuses the ruling powers of employing it for party or personal ends. The system, however, is of long standing, and has struck deep roots in the country, while in some districts it enjoys so large a share of popular sympathy that the successful brigand is regarded more as a hero than a culprit. It is for these reasons that the Government experiences such difficulty in contending with the evil; but that it is in earnest in trying to master it will, I think, presently be shown.

In 1868-69, Epirus and Thessaly were much infested with brigandage. The brigands were not all Albano-Vallachs, nor were those of Epirus all Epirotes. Be that as it may, they grievously afflicted the people, dealing largely in murder, burglary, highway robbery, and kidnapping for ransom, the last a newly imported crime, and of all the most dreaded.

It was not, I am willing to believe, from indifference that this state of things was allowed to last so long. The Governor, Rassim Pasha, had but newly been appointed to his post. He was a stranger to the country, and of necessity he required time to feel his ground and to get at the springs of the movement. Prepared at length, he began last summer to act with an effect which was very soon felt throughout his jurisdiction. Of the most noted brigands some were captured, others were forced to fly the country, and all the organised bands were broken up and dispersed. Many of their secret abettors were detected, and, where possible, were punished, and judicious measures of precaution were taken in the marked districts.

Later in the year the Governor was threatened with another serious difficulty: an Imperial Order had been issued to disband the Irregular Rural Police, and to replace it by an organized force to serve, part in the interior, and part on the frontier. To this measure there was great opposition from interested parties, which, however, had to yield to the firmness of the Governor. Many of the irregulars were enrolled in the new force, and a stringent order was issued that all who were not so enrolled should be paid off and sent under escort to their homes. This order was imperfectly obeyed. The consequence was that numbers of the irregulars in Thessaly slipped away, formed into bands, and took to brigandage. But the Governor was soon down upon them. In the beginning of May one band of twenty-seven was overtaken near the frontier, fourteen were killed, and of the rest but few escaped. A vigorous pursuit is, I believe, still kept up against the other bands; at the same time the estates (and they are considerable) of the late Commander of the Thessalian Irregulars have been sequestered for the benefit of those who suffered by the brigandage attributable to his neglect.

The measures taken for the protection of the frontier ought to prove effectual in preventing border forays, as well as the passage of fugitives and bandits. A corps of 2,500 picked men has been specially formed for the service, detachments of which are continually on duty in block-houses, erected at short intervals, along the whole line between the Gulfs of Arta and Volo. It may take some time for these troops to become familiar with their intricate duties, and to be a match for all the ruses of brigands and bandits: in the meanwhile their vigilance may at times be eluded and mischief ensue. But the measure is well devised; it costs a great deal of money, and it proves at any rate that the Porte is in earnest in providing for the security of Ottoman territory.

What would tend still more to insure the success of this measure would be hearty co-operation in the adjoining State, accompanied by powers of reciprocal extradition, faithfully and promptly carried out. By these means the plague of brigandage would in those parts be circumscribed within defined limits, and its utter extinction might then be easily effected. Until this is done, one must wait for better days in these frontier districts, for nothing demoralises a population more than brigandage; and where it is tolerated and allowed to flourish as a system, it were vain to look for any real or permanent improvement.

I shall conclude by observing that since 1861, at least, the brigands of Epirus have never molested British subjects, or, indeed, Europeans of any western nation. Whatever may be the motives for this abstention, I have much pleasure in being able to state that the name of "British" is highly esteemed by all classes in that province, everywhere ensuring hospitality and respect.

I have, &c.
(Signed) R. STUART.

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1870.*

185
GREECE. No. 16 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—136.] *Price 3d.*

LIST OF PAPERS.

No.					Page
1.	Mr. Erskine to the Earl of Clarendon	..	..	..	June 8, 1870 1
	Six Inclosures.				
2.	Mr. Erskine to the Earl of Clarendon	.	..	..	June 8, — 3
	One Inclosure.				
3.	Mr. Erskine to the Earl of Clarendon	..	..	..	June 9, — 17
	Two Inclosures.				
4.	The Earl of Clarendon to Mr. Erskine	..	..	..	June 14, — 18
5.	Mr. Edward Noel to the Earl of Clarendon	..	..	..	June 16, — 18

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Mr. Erskine to the Earl of Clarendon.—(Received June 17.)

My Lord,

Athens, June 8, 1870.

WITH reference to your Lordship's despatch of May 12th, I have the honour to inclose the copy of a note which I have received from M. Valaority, inclosing documents to show that the Nomarch of Eubœa did not put any obstacle in Mr. Noel's way on the afternoon of the 21st of April last, but, on the contrary, exerted himself to the utmost to enable that gentleman to return without delay to Oropos. It is, I believe, indisputable that even had the "Methoni" been placed at Mr. Noel's disposal, he could not have rejoined the band before their flight to Sykamenon.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure 1 in No. 1.

M. Valaority to Mr. Erskine.

M. le Ministre,

Athènes, le 7 Juin, 1870.

JE me suis empressé de communiquer immédiatement à mon collègue de l'Intérieur la lettre que vous m'avez fait l'honneur de m'adresser en date du 25 Mai, avec prière d'en prendre le contenu en sérieuse considération.

M. Zaimis vient de me transmettre en copie le rapport ci-joint du Nomarque de l'Eubée (Nègrepont) sous la date du 15 du même mois.

Vous voudrez bien y voir, M. le Ministre, que le refus dont on se plaint du susdit Nomarque de mettre à la disposition de M. Noel l'embarcation du Gouvernement "Methoni" n'a occasionné aucun retard préjudiciable à son départ, vu que M. Noel ayant reçu la dépêche télégraphique vers 4 heures dans la journée du 9 Avril a pu partir pour sa destination le même jour à 5 heures par une autre embarcation nolisée uniquement à cet effet, ce qui indique le plus grand empressement de la part du Nomarque pour faciliter le départ de M. Noel, puisqu'il lui a procuré dans l'intervalle d'une heure les moyens de partir.

Veillez, &c.

(Signé) S. VALAORITY.

Inclosure 2 in No. 1.

M. Michalopoulos to M. Avierinos.

(Translation.)

Chalcis, May $\frac{15}{27}$, 1870.

I HAVE the honour to transmit to you in original :

1. A letter addressed to me by the Commander of the "Aphroessa," certifying that precisely at the hour of 3 P.M. on the $\frac{9^{th}}{21^{st}}$ April he sailed from Chalcis to Oropos. From this it is manifest that, at the time Mr. Noel received the telegram from the English Minister at Athens, Mr. Erskine, the "Aphroessa" was not at Chalcis, so that it could not have taken him to Oropos ;

2. The Report, dated the $\frac{11^{th}}{23^{rd}}$ May, of the Director of the Telegraph Office at Chalcis. From this it is manifest that Mr. Erskine's telegram to Mr. Noel arrived at the Chalcis Telegraph Office at the hour of 3-32 P.M. of the $\frac{9^{th}}{21^{st}}$ April ; that search was at once

made for Mr. Noel at the house of M. Averoff, that he was not found there, that a servant was sent to find him, that he was met by the telegraph official, and that the contents of Mr. Erskine's telegrams were communicated to him. Since, as has been stated, the telegram arrived at the Telegraph Office at Chalcis at the hour of 3.32 P.M., it follows that if we allow at least twenty-eight minutes for the time necessary for the official to go to M. Averoff's house from the Telegraph Office, the sending of the servant to search for him, and lastly his meeting with the telegraph official, Mr. Noel could not have had knowledge of the telegram previous to the hour of 4 P.M.; more probably he had knowledge of it after 4, but certainly not before;

3. Mr. Noel's letter to me of the 9th 21st April, in which he requested me to give orders to the boat of the royal ship "Methoni" to take him from Chalcis to Oropos. From all this it is quite clear that a certain time must have elapsed from which Mr. Noel received the telegram till he went to the place from whence he wrote to me, and until his letter reached me. It is evident, therefore, that Mr. Noel's letter was received by me after the hour of 4 P.M. of the 9th 21st April;

4. The letter of the Port Officer of Chalcis to me of the 10th 22nd May, from which it is shown that this official, by my orders, had hired a fast boat and had placed it at Mr. Noel's disposal about the hour of 5 P.M.

These documents must convince every one that no delay occurred in the discharge of the duties of the Nomarch, who, having received Mr. Noel's letter demanding the boat of the "Methoni" after the hour of 4 P.M. of the 9th 21st April, contrived to place at Mr. Noel's disposition a fast boat at 5 P.M. I even suppose that it was impossible that greater activity and promptitude could have been shown.

I do not care to inquire whether Mr. Noel, who was at Chalcis when he received Mr. Erskine's telegram about 4 o'clock P.M., could have found himself at Oropos at this very same hour of 4 P.M., to prevent, as he says, the collision between the troops and the brigands, which took place on that day at 4 P.M. I confine myself to clearing up some doubts as to Mr. Noel's desolation because I did not give up to him the only boat of the "Methoni," whose duty is, according to orders, to patrol during night the coast, and at a time when such events were transpiring at Oropos, but offered to him a private fast boat, he thought fit to write if the Nomarch had shown more activity he (Mr. Noel) would have been able, though he had received Mr. Erskine's telegram at 4 o'clock P.M., to be in time at Oropos—that is, before 4 o'clock,—to prevent the collision, which occurred before 4.30 P.M.

Most obedient, &c.
The Nomarch of Eubœa,
(Signed) TH. MICHALOPOULOS.

Inclosure 3 in No. 1.

M. Condaros to M. Michalopoulos.

(Translation.)

PRECISELY at 3 P.M. on the 9th 21st April we sailed from the port of Chalcis for Oropos.

The Commander of the "Aphroessa,"
(Signed) EM. D. CONDAROS.

Inclosure 4 in No. 1.

M. Damalas to M. Michalopoulos.

(Translation.)

Chalcis, May 11th 1870.

IN answer to your communication of yesterday's date, you are informed, Sir, that on the 9th 21st April, 1870, his Excellency the English Minister, Mr. Erskine, telegraphed to Mr. Noel, as I recollect perfectly, the original in French being now at the Ministry. The telegram in question was received from Athens, and transmitted to the person addressed by me in original, it being marked "très pressé."

This said telegram was received at our office at the hour of 3.32 P.M., the Athens office, by order of the Ministerial Council, having recommended it to me. But as the messenger of the office was absent at the time, he having been sent out to distribute some telegrams which had been received previously, I took the original of the said telegram, and at once proceeded to the house of M. Averoff in search of Mr. Noel, but did not find him

Then M. Averoff had the goodness to send immediately his servant in search of him, and to send him to the telegraph office to receive a most important telegram. Then I left M. Averoff's house, and returned to the telegraph office. On the way I met Mr. Noel, and showed him the telegram, which he read and returned to me, so that I might later send him a copy, and which I did by the messenger, getting his receipt.

Your, &c.
The Director of the Telegraph Office,
(Signed) A. DAMALAS.

Inclosure 5 in No. 1.

Mr. Noel to M. Michalopoulos.

(Translation.)

Chalcis, April $\frac{9}{21}$, 1870.

AS the "Aphroessa" has left, I beg you, if possible, to order the boat of the Royal ship "Methoni," on station here, to take me to Oropos.

I salute you, &c.
(Signed) FR. NOEL.

Inclosure 6 in No. 1.

M. Christodoulos to M. Michalopoulos.

(Translation.)

Chalcis, May $\frac{10}{21}$, 1870.

WHEN on the sad day of the $\frac{9^{th}}{21^{st}}$ April, you ordered me to hire a fast boat to take Mr. Noel to Oropos, I immediately hired one and placed it at his disposal at the hour of 5 P.M.

The Officer of the Port,
(Signed) P. CHRISTODOULOS.

No. 2.

Mr. Erskine to the Earl of Clarendon.—(Received June 17.)

My Lord,

Athens, June 8, 1870.

WITH reference to my despatch of the 2nd June, I have the honour to transmit to your Lordship the concluding portion of the translation which has been made by Mr. Masson, of the short-hand report of the trial on the 21st and 22nd ultimo, of seven brigands of the Arvanitei band.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 2.

Conclusion of Report of Trial of Seven Brigands of the Arvanitei Band, before the Athens Court of Assizes, held on the 21st and 22nd May, 1870.

(Time, 1 o'clock, A.M.)

THE Judges take their seats; the prisoners, who had gone out during the interval, re-enter.

President. Are all the jury present?—*Jury.* Yes.

President. We are ready to hear the Procureur-Général.

Procureur-Général. Gentlemen of the Jury, you have met to give your verdict on a matter of momentous importance, which has called forth at our expense the severest censure of the civilized world. You are called upon to take cognizance of appalling crimes which have spread, and still spread, alarm and affliction throughout the nation, which is overwhelmed with a sense of the greatness of the calamity that has unexpectedly befallen us. Your duty is one of great responsibility, and in proportion to this will be your earnest

endeavours to discharge righteously and fearlessly the task imposed on you by your country and the law, and thus to vindicate the honour of the nation and the majesty of justice.

Though the gravity of the case might tempt me to delineate in detail, and in the darkest colours, the fearful tragedy perpetrated by the prisoners and the rest of the band, yet, having perfect confidence in your patriotism and love of justice, and considering that the offences with which the prisoners are charged are completely substantiated by the evidence, I do not intend to dwell at length on the merits of the case. It would be more than superfluous to occupy your time and that of the audience by demonstrating in detail the nature and truth of the charges.

Gentlemen of the Jury, from the evidence of the witnesses you have heard, as well as from the narrative parts of the decrees for the prosecution, based on the preparatory examinations, you have received full and minute information regarding the criminal acts committed by the Arvanitei band during its lengthened progress from Thessaly to Marathon. It is, therefore, unnecessary to recapitulate to you the particulars. I shall merely remind you that the robber-band of the Arvanitei, originally formed many years ago, and partly destroyed or scattered in 1856, suddenly re-appeared during the interregnum recruited and reinforced, and having a secure and unknown place of refuge, committed, at various periods, many criminal acts within the bounds of Greece, regarding which the records of the public prosecutors contain abundant details. The crimes of these and such malefactors have raised the indignation of the civilized world against our country, though we, instead of being the authors and originators, are, in reality, the victims of this fearful scourge. It is some consolation, however, to reflect that the prisoners and similar depredators, issuing from beyond the frontiers and occupied as wandering shepherds, have been throughout the main authors of brigandage in Greece. The present Government, and all previous ones, have tried to extirpate the fearful scourge of brigandage, to destroy that many-headed hydra!

It is but just to say that in this work our gallant and patriotic troops have honourably distinguished themselves. Unfortunately, however, various circumstances and obstacles which it is not at present necessary to specify, have hitherto impeded the complete extirpation of brigandage in Greece. We all know that nations that are weak are often unfairly put in the wrong by public opinion abroad. In this respect Greece has been grievously wronged, and I feel confident that the light of truth will soon procure for us an equitable decision, and full redress from public opinion throughout the civilized world. That public opinion has, indeed, greatly wronged us, and its momentary injustice has added a second affliction to the nation, which as one man still feels the load of the first. Let us continue to mourn, not, however, because foreign public opinion, till better informed, puts us in the wrong, but because our efforts were unsuccessful to save the lives of foreigners whose fate we deplore, and whose memories we cherish—gentlemen of taste and lofty sentiments, who on that sad day, which will bear a black mark in our calendar, went to inspect the site of glorious Marathon. Yes, gentlemen, the heart of every one of us throbs with the most painful emotion to think of the catastrophe, which enemies of Greece seek to turn to our disadvantage and dishonour, trying to throw the whole responsibility on a well-disposed and sensitive nation. God, who from his Throne on high rules all events on earth, and directs the interests of nations, whether small or great, will throw the light of truth on this distressing case, and regain for us the good-will of magnanimous nations, whose benefits to us, on numberless occasions, we gratefully remember.

Turning to you, prisoners at the bar, to you, and your accomplices, outscourings of society, the immediate authors of this calamity, as well as of many previous misdeeds that serve to harass and convulse our country, I ask you, what harm did ever the offspring of illustrious Albion, or of once half-Grecian and now struggling Italy, ever do you? Did they refuse you ransoms of enormous amount? Did they hesitate to satisfy your unconscionable avidity? No! by your abominable cruelty you murdered the good, the noble strangers; and, men of darkness! threw over us, and over all Europe, a veil of ineffable sorrow! Cursed be your memory, as your lives have long been infamous, and the soil of Greece, which you have stained by your enormities, will refuse your bodies a grave.

Consider, gentlemen of the jury, the heinousness of their guilt; think of the calamity they have brought on us; think of the opprobrium they have for a time shed on us throughout the civilized world, and by your righteous and enlightened verdict stigmatize their crimes, and thus at least afford some consolation to afflicted Greece.

5

(Time, $\frac{1}{4}$ before 2 A.M.)

Goulimes (Counsel for the defence). In commencing my address, I feel that the nature of the case requires a few preliminary remarks, dictated by the circumstances and the convictions and impressions of the speaker.

Gentlemen of the Jury, I am aware of the difficulty of my task, arising from the enormity of the offences with which the prisoners are charged, and the extent of the calamity they have occasioned, as will probably be confessed by the prisoners themselves. The nature of the crime and its consequences, and even the clearness of the evidence, on the one hand, and on the other a sense of professional duty, as well as feelings of patriotism, and a regard for the honour of the nation, all serve to augment the difficulties of my position as Counsel for the defence.

Notwithstanding the difficulty, I shall discharge my duty, both professional and patriotic, to the utmost of my power. It was after some hesitation that I consented to take part in the defence. At last I felt it incumbent on me not to refuse my services. I reflected on the usages and laws of the ancient Romans, whose jurisprudence has exerted and will ever exert an influence on the institution of civilized nations. Even at an early period of the Republic, the accused was not left without the aid of some one to speak in his defence. He was allowed one or more defenders ("patroni, advocati"), and though no professional bar yet existed, and the services of Counsel were gratuitous, the most distinguished citizens readily undertook the defence of persons accused. The noblest orators freely gave the benefit of their eloquence to those that required it. Cicero, as we are told by Plutarch, never accepted fee or present. Such assistance was deemed a duty. Such disinterestedness, however, did not always continue. In the year of Rome 550, a law was passed, providing that Advocates should serve their clients gratuitously, or return four-fold any fees accepted. We see Cicero, in spite of his consular or prætorial duties, defending Rubirius or Murcena, or prosecuting Verres. If we descend from ancient Rome to modern times, we find the right of defence everywhere established, except where public prosecution did not exist. Under the inquisitorial system, neither defence nor indictment nor precise law had any existence. All was chaos. If you glance at Venice, in those times, you will see the Lion of St. Mark, into whose mouth secret informations were cast. The denounced were brought before three judges, who sat with masks in a dark chamber by night, in the dungeon of the Bridge of Sighs. Neither defender nor accuser was there. Not one of the judges knew the two sitting by his side. They tried, condemned, and delivered to the executioner, the prisoner, who was not even made acquainted with the punishment that awaited him. Modern civilization, however, has inscribed in Constitutions the liberties of the citizen and enjoined respect for his rights, and permits no prisoner to be brought before a tribunal without Counsel for his defence, to give him the assurance that the judges will not be carried away by the eloquence of the accuser, without hearing what may be said on the other side, and that formalities, established for the maintenance of order and liberty, will be strictly observed; and that, in case of his being condemned, the verdict will be founded on matter of fact and right. Though you are aware that such enactments are now in force in all civilized nations, permit me to read and translate a short passage on this subject from an illustrious legist, Montesquieu. Contrasting the penal laws of despotic with those of free States, he says:—"Mais dans les Etats modérés, où la tête du moindre citoyen est considérable, on ne lui ôte son honneur et ses biens qu'après un long examen, on ne le prive de la vie que lorsque la patrie elle-même l'attaque, et elle ne l'attaque qu'en lui laissant tous les moyens possibles de la défendre." And is not the present trial, gentlemen, a proof of the progress of civilization in Greece? Invited to take part in the defence, I feel that, whatever may be the nature of the charges, it would have been cowardice on my part to refuse my humble services, and not try to afford these unhappy men some small consolation on this their day of agony. The advocate resembles, in such cases, the physician who attends the bed-side of a patient, if not to prescribe medicines, at least to soothe, if possible, by his mere presence,—or he resembles the clergyman who accompanies the convict to the scaffold. As long as there is life in a sufferer, interest in his fate is the duty of humanity.

I ask you, gentlemen of the jury, ought the door of repentance to be shut against the most hardened malefactor, if, even at the approach of retribution, he is sincerely penitent? To such ought not the judge to lend an indulgent ear? Will you listen with indifference to the defence of these prisoners, feeble as it may have been? Will you disregard their penitence, forgetting that Jesus on the cross said to the penitent robber, "This day thou shalt be with me in paradise?" If God himself said this to such a malefactor, will you have no consideration for the penitence of the prisoners? And this I say in reference and reply to the Procureur-Général's fierce and inhuman apostrophes.

The cruel tragedy of Pikermi consisted of four acts. The first was the capture of the unfortunate strangers who had gone to gaze on the field of Marathon, the capture of those classic pilgrims. The second was their captivity at Oropos and elsewhere; the negotiations for their release; the correspondence of the robbers with the Government and with the foreign Ministers. I will not recapitulate the details of this part of the subject, as the depositions of the witnesses are fresh in your ears, and as you are all familiar with the common reports of the occurrences. The third act is terrific, the massacre at Dilessi. On this no one can glance without tears and without feelings of horror. In connection with this we all remember the spectacle of the funeral at Athens, representing a nation of mourners. The fourth act of the tragedy is now passing before you, consisting of the indictment you have heard, and the falling of the curtain about to take place in the verdict of the jury.

Such is the case on which the Procureur-Général has expatiated, and we cannot but applaud the imagination and the feeling he has displayed. He placed before your eyes the calamity which many have sought to turn to the dishonour of the whole Greek nation, that Greece from which all Europe originally received its elements of civilization. This, our revilers have forgotten. They have lost sight of all that Greece was and did in days gone by. But if they have forgotten ancient Greece they need not overlook the sufferings and achievements of Greece in recent times. Greece in 1821, rising from her bondage, amazed all Europe, and stirred, by what she accomplished, the two hemispheres. Sympathizing foreigners crowded from all parts of the world to die on the plains of Greece. Favier, Cochrane, Gordon, and Hastings, came to share in the contest and in the laurels of Miaoulis and Kanaris; and Byron, quitting affluence and comfort, came to die within the walls of Missolonghi. But Greece, say our revilers, is not what she was supposed to be. I should grieve you beyond measure were I to read to you specimens of the outcry that Europe is now pouring forth against poor Greece through the Press. Such is the general indignation abroad that we almost seem to hear the exclamation, "Crucify her! Crucify her!" Foreign Parliaments and the foreign Press are at this moment discussing our doom; but are the acts of a few individuals to be regarded as the guilt of a nation? That nation which, on obtaining her independence, hastened to embrace the most enlightened penal jurisprudence that Europe afforded. But, gentlemen of the jury, you will show this day by your verdict that Greece, much-reviled Greece, possesses both civilization and national self-respect, in spite of all that may be said or done from without or from within to prove the contrary.

The Procureur-Général has said that it would be out of place to state the causes that have led to the prevalence of brigandage in Greece, and which still enable the many-headed hydra to survive. On the contrary, I mean to review, though very briefly, the causes that impede and retard the complete suppression of brigandage in this country.

I am a native of a province in which brigandage abounds, Acarnania. It has long suffered from the scourge, and personal observation enables me to suggest how it might be rooted out.

The causes of brigandage may be divided into internal and external. Of the internal causes, one is, the unsatisfactory state of popular education. We have a school in every parish, and yet they are hardly in operation anywhere. In most villages that might supply 200 or 300 scholars, not half-a-dozen regularly attend school. After learning a little reading and writing boys leave school, and, taking up the musket, become shepherds, and, too frequently, in consequence of their imperfect or vicious education, fall into delinquencies. A second cause is the want of easy and safe communication. Greece has many streams, but nowhere bridges. It has some rivers that might be made navigable, and yet not one of them is so. We pay taxes and we don't see to what useful purposes they are applied. The Greek peasant nearly resembles what the French peasant was before the revolution of 1789. Then, in France, all the good things were the portion of the nobles and the clergy. These privileged classes neither worked nor paid taxes, while the rest of the inhabitants did all the work, and paid all the taxes, and acquired nothing, "Tout vilain est taillable et corvéable à merci." The same unfortunately applies to the Greek peasant of the present day. A third cause of brigandage is the frequency and length of imprisonment before trial, and this owing to the abundance of criminal prosecutions or something else. The prospect of such imprisonment, so injurious to his interests and his health, often drives the real or supposed offender to become an outlaw. Taking his musket he goes to the mountains, where he naturally comes in contact with robbers and enlists in their ranks. A fourth cause is the state of prisons in Greece. The offender, dreading the horrors of imprisonment and the ruin of his health, becomes an outlaw, and then easily merges in a band of robbers. A fifth cause is, a bad law of conscription. In our parts, at least, the youth have so great an aversion to service in the regular army that

many, on hearing that they have been ballotted, quit home and parents, run out of the country or somewhere beyond the reach of Government authorities. A better law of conscription and a more effective execution of it would remove this frequent cause of brigandage. These are the internal causes of robbery.

The main external cause, and that which produced the present trial, is the nature of the frontier. You observe, that of the Arvanitei band, numbering twenty-eight or thirty, only two persons were natives or citizens of Greece. All the rest were invaders from Turkey. This band, and every other band in Greece, had only to cross the frontier, and found at once, if not encouragement, at least, freedom from pursuit and molestation. This is clear from the evidence before you. The dread of brigandage on account of the frontiers deterred Leopold from accepting the Crown of Greece. Soliciting a different frontier line, and not obtaining it, he abdicated. The frontier line has given occasion to various ill-observed Treaties between Greece and a neighbouring State, and especially the Treaty of 1856. The internal causes may be removed by more effective administrative arrangements and greater vigour in the execution of the law. But what are we to do with the external? After these preliminary observations, I proceed with the case as before us.

In regard to the prisoner Tasoulas, you saw with what frankness and sincerity he admitted that he was a member of the Arvanitei band, when it entered the Greek territory, and that he had been previously a member of other bands. But, gentlemen of the jury, to convict one of the crime of robbery it is necessary to prove facts constituting in terms of the law that crime, that is, the actual taking away by force of another person's property. It has not been shown that in any special act, or even in the encounter in which he was wounded, he committed robbery in terms of the law. That he was member of a band, he admits, but merely as a member of a band he cannot be condemned for actual robbery with all its aggravating circumstances, entailing capital punishment. Our law provides a special punishment for mere partnership in a band. He resisted lawful authority, but in this his object was rather to save his own life than to assail the troops. He wounded no one. When the sergeant was wounded, Tasoulas had already been disabled by a wound and captured; consequently, he cannot be considered as guilty of murder committed in another place and afterwards. Look at the prepossessing countenance of the misguided youth. You cannot say he ever stained his hands with blood. If he was previously a member of other bands, he is not now arraigned on that score. He has frankly told you the whole truth. Were he arraigned before a French jury, that has power to appreciate extenuating circumstances, these would be taken into due consideration for his benefit, and I recommend him especially to your equity.

In regard to the other prisoners, I leave you to determine whatever your duty, conscientiousness, and patriotism may dictate.

(Time, half-past 2 A.M.)

Colocotronis (Advocate). I have undertaken the defence of these prisoners as an unavoidable and sacred duty, though feeling the difficulty of the task, as I had to come forward quite unprepared. I beg to remind you, gentlemen of the jury, that you are bound to weigh dispassionately the merits of the case, in order to arrive at a righteous verdict. You are to regard neither the calamitous consequences of the crime, nor the outcry of the foreign press, nor the demands of foreign Ministers. You are to listen solely to the voice of conscience.

President. What do you mean by the demands of foreign Ministers?

Colocotronis. I refer to the expression of the public prosecutor on the necessity of your displaying rigour and severity.

President. No demand of a foreign Minister is before us. You, therefore, do not mean to say so?

Colocotronis. No, I shall explain myself, and you will see I have been misunderstood. You are aware, gentlemen of the jury, that the events that gave rise to the present trial excited horror both in Greece and abroad. General indignation was awakened, and the foreign press has continued to pour forth censure and outrage on the Greek nation. We have all been thrown into the deepest affliction, and I wish to say that neither the sorrow and indignation you justly feel on account of the massacre, nor the threats of the foreign press, ought to sway you in forming your verdict. The foreign press has been mistaken, and has grievously wronged us. A crime, heinous indeed in the extreme, but the act of a few individuals, has been laid to the charge of the whole nation. We are bound, therefore, to protest against such unjust incriminations and to warn you on the subject. This is not the first time that a part, at least, of the foreign press has maligned us. The great sin of

Greece is that she is weak, and consequently her faults, which, if they occurred elsewhere, might be passed over unobserved, are exaggerated and become enormities because they occur here. When Greeks, actuated by sympathies which arise from natural and sacred ties, take an interest in the wrongs of their suffering brethren, they are denounced as, forsooth, tools of Russia.

When an individual crime is perpetrated in Greece it is proclaimed that the whole nation is guilty of the deed. Government and people are declared accomplices. Greece is painted as a nation of robbers, and the world is informed that the source and centre of brigandage exist in the Greek capital. Such cruel charges of the foreign press I attribute, not to enmity or malignity but to want of correct information. If the truth were known in Europe it would be acknowledged that, of the fourteen provinces of Greece, brigandage is mainly, not to say exclusively, confined to two—Acarnania and Phthiotis, and to two districts of Attica. In the rest of Greece brigandage scarcely exists. It is, therefore, untrue and unjust to say that because brigandage prevails in certain districts it prevails everywhere, having its source in the capital, and that the Greeks are a nation of robbers. Besides, the brigandage which prevails in the districts to which I refer, owes its existence to a race neither Grecian nor indigenous. That race is the Wallach nomades. Those wanderers and sojourners have been the cause of the brigandage that has scourged and dishonoured Greece. Brigandage, then, in Greece, is not to be laid to the charge either of the Greeks in general, or to the native inhabitants of the infested districts, but to a tribe of wanderers amounting to perhaps 15,000 souls. These the supporters and perpetrators of brigandage sojourn sometimes in Greece and sometimes in Turkey. Like wandering Tartars they are naturally addicted to robbery. Not only in the present case but in almost every other the formers and leaders of bands are Wallach shepherds.

The Greeks are not, what we have been called, a nation of robbers. The robber bands are formed in Turkey, and, owing to the nature of the frontier, make inroads into Greece. They are formed in Turkey because the pursuit of brigands there is lax, and conducted by irregular troops. Other circumstances connected with a faulty administration produce and develop brigandage there. I again repel the charge of our being the authors and protectors of robbery. In the present case the band, in treating of the release of the captives, insisted on an amnesty as the main point. What does this show? It shows that they felt the odious character of their profession and wished to return to the bosom of the community. It shows that even in the case of the Wallach shepherds a taste for robbery is not so inveterate a disease as to be incurable.

In 1854 brigandage in Greece was suppressed. It had extended in consequence of the misunderstandings between Greece and Turkey in connection with the frontier line. After the restoration of peace in Europe in 1856 brigandage in Greece had been entirely extirpated.

You all remember that, from 1856 to the revolution of 1862 such a thing as a robber in Greece was not heard of. On that event many addicted to robbery again resumed their career, under the persuasion that they would obtain an amnesty from the Assembly. The Assembly, however, aware that the practice of granting amnesty to robbers had tended to encourage brigandage, decreed that the granting of amnesty in such cases should be abolished. This decree left all implicated in acts of robbery without the hope of restoration to society. Had the Assembly, instead of giving a retroactive force to its decree, had it granted, on certain conditions, a general amnesty to all implicated in robbery for the past, I am convinced that there would not have been a single robber in Greece at this day. You see, then, that the existence of brigandage is to be attributed to the abnormal circumstances through which our country passed. After the promulgation of the Constitution, which prohibits amnesty, except for political offences, a large number of persons were left in a state of desperation, unable, if disposed, to settle down in lawful occupations.

Whoever reflects on those incidental causes of evil will not call the Greeks a nation of robbers. If Greece, under ordinary circumstances, be compared to other nations, she need not shrink from the comparison. Let not, then, the outcry of the foreign press disturb your imaginations, but listen with calmness to the voice of conscience.

The seven prisoners now before you all belonged to the Arvanitei band, but are not all charged with the same criminal acts. If the individual acts of some of them be specially heinous, for these such of the prisoners as had no share in them must not be responsible. Three of them, Tasoulas and two others, had no part in the last fearful tragedy. Four of them only were implicated there. I will not recapitulate to you the details of that sad event, as they are already familiar to you all. One circumstance may be taken into consideration, not indeed to justify the prisoners, but to extenuate in some degree their criminality. They acted on all the occasions in question as the blind tools of their leaders. Besides, the misguided youths have not been arraigned for any criminal acts

anterior to the recent inroad of the Arvanitei. Further, it has not been established that any of the prisoners took an immediate part in the massacre. On the contrary, it appears that they treated the captives with kindness during the period of their captivity.

In regard to three of the prisoners, their position is very different from that of the rest. They are charged merely with having been members of a band of robbers. And even these three are not all in one and the same category. The case of Tasoulas must be considered apart. According to the depositions of two trustworthy witnesses, the sergeant and another, Tasoulas was wounded in the first encounter, and abandoned by his comrades. He cannot then be arraigned for acts subsequently committed by others. He had ceased to be a member of the band. In these subsequent acts he had neither directly nor indirectly any share. It was proved by the witness that Tasoulas was wounded, and taken prisoner at Mandri. The rest of the band went off, and, at a distance of one or two hours, an encounter took place, in which one soldier was killed and another wounded. In the first encounter no soldier was either killed or wounded. Let those brigands who took part in the second encounter answer for it. Accordingly, Tasoulas begs of the Court to submit to the Jury, so far as he is concerned, a special issue regarding the criminal acts committed subsequently to his being made prisoner.

The Counsel for the Crown stated that Tasoulas had been a robber in Turkey; but he did not specify any criminal acts he had committed there; and Tasoulas has not been charged with any act of robbery committed either in Greece or in Turkey. He may have been an outlaw; but in forming your verdict you cannot take into consideration any act whatever not specified in the indictment.

I demand, therefore, in behalf of Tasoulas that he be proclaimed guilty solely of having resisted the troops at Mandri; and in respect to all other acts that he be declared not guilty.

In regard to the other two prisoners, it has not been proved that they were present at the encounter at which one soldier was killed, and another wounded. I request you will be pleased to take this into equitable consideration.

In conclusion, I beg to express my confidence that your verdict will be such as to give satisfaction to your own sense of justice, to the feelings of the audience, and to enlightened public opinion.

President (to the prisoners). Have you anything to add?—*Prisoners*. No.

President. We declare the pleadings terminated.

Monachos (prisoner). What is the use of attempting to speak? Did they allow us to speak? I wished to say two or three words.

Colcotronis. Say on, then.

President. The pleadings have been declared over.

President. Gentlemen of the jury, in discharging the duty of summing up the evidence I shall employ all possible brevity, as far as is consistent with a clear and comprehensive view of the case.

The first portion of the proceedings consisted in the examination of the witnesses. Their depositions have shown that the robber-band of the Arvanitei, numbering twenty-seven individuals, of which only two were Greeks, the prisoner Pericles Lioris, and S. Zomas, who was killed, entered Greece from the Turkish territory in January last, and, having proceeded from the frontier to the district of Livadia, was there discovered by Government troops, and that, on being attacked, it retired towards Thebes, where it was again attacked by the troops. In the first encounter the prisoner Tasoulas was captured by the troops, and Sergeant Spiliopoulos was killed, and a soldier was wounded, by the robbers. In the second encounter three robbers were killed, and two, the prisoners L. Calomiris and A. Katsounis, were captured. In the second encounter were killed the guide Manganas and Sergeant Topoliates. After this the said band concealed itself in certain parts of Megaris, where it was supplied with necessities by Wallach shepherds. From the depositions it appears that the said robbers were not discovered during their stay in Megaris, notwithstanding the efforts made by the troops to that end. Besides, the nature and state of the frontier facilitating the entrance and departure of brigands, the Government troops were kept bewildered and puzzled in following the traces of bands of which they were in pursuit. While the whereabouts of the Arvanitei band remained unknown, certain foreigners, of whom all were English except one, who was an Italian, were captured by robbers at Pikermi, in returning from Marathon. At the capture a gendarme was severely wounded, and a few days afterwards died of his wounds. Another gendarme was at the same time severely wounded by the robbers. The said foreigners,—who were Lord Muncaster; Mr. Herbert, Secretary to the English Legation here; Mr. Lloyd,

Advocate; M. de Boyl, Secretary to the Italian Legation here; and Mr. Vyner,—were carried off to various localities in Attica. Lord Muncaster having been released to aid in procuring the ransom, the robbers, the day after his arrival in Athens, put forward a new demand, that of an amnesty,—a thing impossible to be granted in the case, and their insisting on this demand gave occasion to the fearful catastrophe at Dilessi.

After various negotiations, which proved fruitless, on account of the obstinacy with which the robbers persisted in demanding the amnesty, a measure was adopted by the Government, in concert with the parties interested, that of sending a body of troops to watch the robbers, and prevent them from carrying off their captives to a distance, and thus aggravate their position, as their intentions were understood to be. The robbers, regarding the despatch of these troops as an act of treachery, resolved to hasten the execution of their determination. Taking the captives with them, they left Oropos and proceeded to Sykamenon, and subsequently to Dilessi, with the intention of retiring to more distant parts, in order to secure their prey, still persisting in demanding an amnesty. On advancing towards Dilessi they met with a body of Government troops, and, apprehending an attack, and breathing vengeance for the disappointment of their hopes, massacred, first the English Secretary, and subsequently Lloyd, Vyner, and M. de Boyl, in the manner and at the spot detailed in the evidence. Various soldiers, perceiving the massacre of Herbert, commenced a vigorous pursuit of the robbers, and an encounter took place, in which were captured first Chormovas, and afterwards the other prisoners, Monachos, Villiotis, and Œconomos. It further appears, from the evidence, that the robbers fired first, and that seven of them were killed.

The robbers that captured and murdered the strangers formed the said Arvanitei band; that band having on various occasions entered Greece from Turkey, perpetrated in the Greek territory various criminal acts; and it may be truly said that a more numerous and formidable band has seldom appeared in Greece. It committed massacres, tortures, and other atrocities, and not a few of our gallant soldiers were killed in various encounters with it. Finally, the same band perpetrated the tragedy at Dilessi.

The members of the said band had, during their raids, frequently evaded the pursuit of the troops, by sometimes retiring into their native country, Turkey, and sometimes by availing themselves of the assistance of the Wallach shepherds, who concealed and supplied them with necessaries. These Wallach shepherds, as we all know, sympathizing with brigands of their own race, are their main accomplices and support. Not only this, but they supply such bands with ready recruits. It is a notorious fact that most of the brigands that infest Greece are Wallachs, and that no band whatever can maintain itself in our country without having most of its members, and especially its leaders, of the Wallach race. It is thus manifest that the Arvanitei band's connection with the Wallach shepherds enabled it to maintain itself among inaccessible mountains and in thinly inhabited districts, very defective in roads and other means of internal communication.

The evidence shows that the seven prisoners before you were captured in various encounters between the Government troops and the said band, and that they took part in the criminal acts which the indictment respectively attributes to them, having been all, during the month of January last, members of the said Arvanitei band.

The first five witnesses, as you have heard, specified and substantiated the acts for which the prisoners Tasoulas, Kalomiris, and Katsounis have been arraigned. Two of these witnesses proved the particulars of the encounter at which was murdered Sergeant Spiliopoulos. In respect to Tasoulas, there is a discrepancy in their statements at their previous examinations, as then they did not distinctly state, as they have now done before you, that Tasoulas was captured at the first encounter. The depositions of the next three witnesses referred to acts which will not be comprehended in your verdict, though they serve to throw light on the subject. After the encounter at Karamouza, in Livadia, another took place near Thebes, in which the guide, Manganes and Sergeant Topoliates were killed. At that second encounter, Kalomiri and Katsounis were captured.

The depositions of the remaining witnesses refer to the occurrences at Pikermi and Dilessi. The gendarme Boulgaris, and the coachman, stated the particulars of the robbery and capture at Pikermi, comprehending the murder of one of the gendarmes. The witness, Kalios, recounted the negotiations with the brigands, and the failure of these through their obstinacy in demanding an amnesty. The witnesses S. Apostolides, S. Bonis, and P. Leotsakos gave you an account of the conflict with the robbers at Dilessi, and proved that the robbers fired first, and had actually massacred Secretary Herbert (whose body was the first that was found) before the troops fired.

The witness Colonel Théagénis gave you an account of his negotiations with the brigands, and proved to you that the negotiations failed through the obstinacy of the band, and recounted the subsequent massacre of the captives. The next witness, Œconomides,

proved that the obstinacy of the brigands in demanding an amnesty caused the failure of all negotiations for the release of the captives. The witness Teramanis also substantiated the cause of the failure of the said negotiations. The last witness, Liacouras, stated to you particulars of the conflict, and of the murder of the captives. He further established the important fact that the robbers were the aggressors, by firing first, and commencing the massacre before the troops had fired a shot. He identified the prisoner Chormovas as having struck Mr. Herbert on the head with a sword. The same witness proved that the troops did not attack the robbers till after this occurrence.

The examination of the witnesses was followed by that of the prisoners, who admitted they were all members of the Arvanitei band, acknowledged the acts imputed to them in the indictment, with the exception of their having taken part in the murder; and asserted that they fired at the troops in their own defence, and that the captives were killed by shots from the troops. Tasoulas alone maintained that he had no share in these later occurrences, asserting that he had joined the band on the 1st of January, and was captured on the 17th of the same month at Karamouza.

After the examination of the witnesses followed the addresses of the Public Prosecutor and of the Counsel for the defence.

The Procureur-Général, by solid arguments and dignified remarks, stigmatized the acts of the Arvanitei band, and demanded that the prisoners should be declared guilty of the crimes imputed to them in the indictment, substantiated by the witnesses, and submitted to the jury. The Counsel for the defence, in their consecutive addresses, left you at liberty to decide on the charges brought against the rest of the prisoners, but urged special pleas in behalf of Tasoulas.

Thus terminated in this lengthened trial the pleadings, which I have summed up with all possible conciseness, not merely on account of the hour, but because the subject has been exhausted. I conclude with a few remarks on the sentiments and considerations that ought to guide you in forming your verdict.

Our country has been severely assailed in consequence of the late sad events; the whole nation has been denounced as guilty of the massacre at Dilessi. We feel, however, that after the first impressions produced by the fearful tragedy have subsided, public opinion abroad, when better informed, will do ample justice to the Greek nation, and will acknowledge the wrong which, through misapprehensions, has been hitherto done us. It will be seen and admitted that incidental circumstances and the ferocity of foreign marauders brought on us this national calamity.

Gentlemen of the jury, you are competent to express in your verdict the sense of the nation on this head. Represent the Greek community on this memorable occasion, and vindicate the honour of the nation. Reflect on the heinousness of the crimes with which the prisoners are charged, calmly and deliberately weigh the evidence before you, and conscientiously render a verdict in accordance with justice and truth. We all feel the bitterness of the opprobrium cast on us by the European press; but let us reply, not by words but by deeds. Let each of us in his sphere faithfully and fearlessly discharge his duty; for it is only thus that we can dissipate the cloud which, for the moment, overshadows the character of the nation. The national honour, let us all remember, can be vindicated only by the speedy and complete extirpation of brigandage, that has continued to infest a large portion of the Hellenic territory, to the discredit of the whole Greek nation, although the main cause of this fearful scourge cannot justly be imputed to us. The comparative tranquillity and security of Peloponnesus may be pointed to as strikingly suggestive.

Gentlemen of the jury, let me exhort you to show, by your righteous verdict on this and on every other occasion, that Greece is not a nest of robbers, but a civilized and well-disposed community, zealous of order and justice. There are, of course, malefactors among us, as there are in every country; but if an appalling event has spread indignation and sorrow over all Greece, let it be seen that the Greeks, as a nation, are not implicated in the guilt.

Finally, let me remind you that your immediate duty on the present occasion is to give an attentive consideration to the evidence before you, and to render a verdict for which you have to give an account to none but to God and your own consciences.

Gentlemen of the jury, the questions you have to solve, in accordance with the evidence and the terms of the indictment, are the following:—

First, in reference to all the prisoners—

1. Are (1) Athanasius Tasoulas, born in Turkey and residing at Karditsa, 25 years of age, a shepherd; (2) Leonidas Kalomiris, born and residing at Kapinisi, 30 years of age, a shepherd; (3) N. Katsounis, born and residing at Desicli, 28 years of age, a shepherd;

(4) A. Tsounis, *alias* Chormovas, born at Karaki, in Epirus, and residing in Livadia, 25 years of age, a field-guard; (5) K. Monachos, born at Kaitsa and residing at Trili, in Turkey, 25 years of age, a shepherd; (6) P. Lioris, *alias* Viliotis, born and residing at Vilia, 25 years of age, a servant; (7) Ph. Œconomos, born and residing at Vrilirina, in Turkey, a shepherd, and all Christians,—guilty of having, in combination with Takos and other brigands, during the last year and subsequently, for the purpose of perpetrating criminal acts not yet specified, and constituting a band of brigands, and having at Mount Exarchi or Karamouza, in the district of Livadia, first attempted to compel the Government authorities to omit acts pertaining to their public duty, and of having to this end employed force against the persons of public officers, and resisted the troops that endeavoured to take them prisoners?

2. Of having deliberately, with premeditation, by means of fire-arms, loaded with powder and bullets, killed George Spiliopoulos, Sergeant, and Janni Karipi, Corporal?

3. Of having, with the intention of committing murder against the rest of the troops present, K. Makatsa, N. Kareki, and others, and B. Anagnostopoulos, Sergeant-Major, committed an overt act, constituting the commencement of a completed crime, that is, of having with their said arms, loaded with powder and bullets, fired on the said troops, but, owing to circumstances independent of their will, failed in carrying out their intention, but wounded three of the soldiers?

The following questions refer to four of the prisoners :—

Are the prisoners A. Tsounis, *alias* Chormovas, K. Monachos, P. Lioris, *alias* Viliotis, Ph. Œconomos, guilty—

1st. Of having, last year and subsequently, combined with Takos and Christos Arvanitei and others, and constituted a band of robbers for the purpose of perpetrating many not yet specified criminal acts, and in consequence at Pikermi, in the district of Marathon, with the intention of seizing and retaining property that did not belong to them, attacked Lord Muncaster and his lady, Mr. Lloyd and his lady and daughter, Messrs. Herbert and Vyner with their servant, and M. de Boyd, with their attendants, P. Vasilakos, D. Bambali, A. Bulgari, and D. Vuyuka, gendarmes, while passing along the public road leading from Marathon to Athens, and, bearing and using arms, taken from the said travellers articles of value?

2nd. Of having endeavoured, by acts of violence, to prevent public functionaries from the discharge of their public duties; that is, of having compelled the said gendarmes to abandon the said travellers, whom they were escorting?

3rd. Of having premeditatedly resolved on and deliberately perpetrated murder in the person of the gendarme Vasilakos, and with the intention of committing murder in the person of the other gendarme, committed an overt act constituting the commencement of a completed crime; that is, fired upon them with arms loaded with powder and bullets, but failed in their purpose through circumstances independent of their will, but wounded D. Bambali in the cheek?

4th. Of having captured by force, and without any right, the above-mentioned travellers, and of having carried them to different localities in Attica, thus withdrawing them from Government protection?

5th. Of having employed violence and threats to extort money from them, for the purpose of obtaining unlawful gain, and of having failed in their attempt through circumstances independent of their will?

Are the above-mentioned four prisoners, A. Tsounis, *alias* Chormovas, K. Monachos, P. Lioris, *alias* Viliotis, and Ph. Œconomos, guilty—

1st. Of having on the 9th April last, at Sykamenon, attempted by acts of violence to prevent the authorities from the discharge of their public duty; that is, of having fired on the troops that endeavoured to rescue the said captives?

2nd. Of having, with the intent of premeditatedly murdering the said troops, S. Bonis and others, committed an act constituting the commencement of a completed crime; that is, fired on them with arms loaded with powder and bullets, but from circumstances independent of their will failed in their purpose?

3rd. Of having premeditatedly resolved on, and deliberately perpetrated, the murder of the said Herbert, Lloyd, Boyd, and Vyner, with swords and fire-arms?

These, gentlemen of the jury, are the questions you have to solve.

Has the Procureur-Général, or have the Counsel for the prisoners, any objection to make?

Colocotronis (Advocate). In respect to Tasoulas, in connection with the first act with which he is charged, I desire a special question be submitted to the jury,—whether or not he, being wounded and captured, had any share in the subsequent criminal acts of the band?

President. Tasoulas is charged with the first act, and that alone.

Colocotronis. We begged that three of the prisoners should be separated from the rest and be tried on special grounds.

President. One circumstance, however, remains to be cleared up. If Tasoulas was not present at the encounter in which Spiliopoulos was killed, and the jury be satisfied on that point, they may find that the case was as you assert.

Colocotronis. Unfortunately the locality has not been specified in the question submitted to the Jury.

President. First, "They attempted to compel," &c.

Colocotronis. On that occasion Tasoulas was wounded.

President. "For the purpose, &c." They killed Sergeant Spiliopoulos. These are the acts imputed to Tasoulas; that is to say, three acts committed at the same time and place. The soldier in his deposition showed that there were two separate localities. What, then, do you demand?

Colocotronis. I desired the witness to inform us if the locality where the two soldiers were killed is different from that where the first encounter occurred, and where Tasoulas was wounded. The witness stated that it is, and I requested that his statement should be recorded in the minutes. The first act was committed at an hour's distance from where the second encounter occurred. The two events were different both in time and place. Tasoulas, wounded and captured in the first encounter, could not possibly take part in the second. This point I wish to be admitted and kept in view.

Procureur-Général. The demand of the Counsel, though plausible, is superfluous or groundless, because it is comprehended in the question submitted to the jury. Tasoulas, as well as the other six prisoners, is accused of resistance to the troops; of a premeditated attempt to murder; and thirdly, of premeditated murder. These three charges have been separately and distinctly submitted to the jury by the President. That Tasoulas was a member of a band whose object it was to perpetrate various criminal acts is beyond doubt. Tasoulas has confessed that two years ago he was in the brigand career, and the jury at present cannot comprehend in their verdict acts extraneous to the terms of the indictment. Tasoulas was a member of the Patsaourei band, and for the acts in which he participated then, proceedings have been instituted, and are still pending, which might entail capital punishment.

I am of opinion that the Counsel for the defence have no right to insist on the putting of a separate question, as the point to which they refer is definitely and distinctly comprehended in the questions already drawn up. The jury have been asked whether or not Tasoulas and the other prisoners were present at the affair at Karamouzas on the 16th and 17th of January last, when and where the Arvanitei band was attacked by the troops, and whether or not he was guilty of resistance, he and the other prisoners having, when attacked, fired on the troops. So far there is no plea on behalf of Tasoulas. Tasoulas was as accomplice, and is regarded as guilty of the attempt to murder. There is here a connection of criminal acts committed by a band which premeditatedly resolved on the commission of various crimes. There is a chain of events which renders Tasoulas responsible for what occurred afterwards, when the sergeant and corporal were killed. Tasoulas must in the eye of the law be held guilty of the criminal acts of the band subsequently to his capture, and the jury is competent to decide this point in its verdict relating to all the prisoners in general.

Colocotronis. I demand that a separate question be put in terms of the 63rd Article of the Penal Code. Tasoulas was wounded and disabled, and, according to the 63rd Article of the Code, ceased to be a member of a band. He is liable only to the penalty attached to an attempt to murder. From the moment of his capture he ought not to be considered a member of the band. His connection with his comrades no longer existed. I demand, in virtue of the said 63rd Article, that a separate question be put to the jury, "Did or did not Tasoulas' connection with the band cease with his capture?"

President. Do you mean exculpate him from the charge of resistance?

Colocotronis. I do not deny his participation in the act of resisting the troops; but I insist on his not being responsible for subsequent criminal acts of the band. I cannot see any well-founded objection to putting a distinct question on the point. The questions, as now put, may lead the jury into a misapprehension and a mistake. In regard to resistance to the troops before his capture, let him be declared guilty; but I insist, for the reasons I have stated, that a separate question should be put regarding his legal complicity in the subsequent acts of the band.

President. We understand your meaning.

Goulimes. While regarding as accurate and appropriate the remarks of the Procureur-Général in reference to the charges of resistance to the troops and attempt to

murder, I entirely dissent from his views on the third point. Simultaneous acts, in the legal sense, imply identity of time and place. But as it has been proved that Tasoulas had been disabled and captured at a different place, and two hours before the conflict in which the sergeant and corporal were killed, I regret I cannot compliment the Procureur-Général on the soundness of his interpretation on this head. If Tasoulas, when a member of the Patsaourei band was guilty of criminal acts, let the law have free course in proceedings pending elsewhere. But as those alleged acts form no part of the present indictment, the Procureur-Général has no right to refer to them for the purpose of influencing the verdict in the present trial. It has been proved that Tasoulas, during his brief connection with the Arvanitei band, took part in no other criminal acts besides resistance to the troops and the attempt to murder.

President. The discussion being over, these remarks now come too late.

Goulimes. We are bound to repel the remarks of the Procureur-Général, by which he sought to make extraneous circumstances affect the forthcoming verdict.

Colocotronis. I persist with my colleague in appealing to the 63rd Article of the Penal Code.

Decree of the Court.

The Court Assizes, after considering the matter, decrees as follows:—

(The President reads the Decree.)

“In reference to the demand of the Counsel for the defence, that a separate question be submitted to the jury in respect to Tasoulas, whereas the said point is distinctly comprehended in the questions submitted to the jury, so that the jury may decide whether or not Tasoulas took part in the conflict in which the serjeant and corporal were killed, reject said demand of the Counsel for the defence.”

President. Gentlemen of the jury, it remains for you to decide whether or not Tasoulas took part in the conflict in which the serjeant and corporal were killed. You are at liberty, if the evidence should suggest to you such a decision, to say that the other prisoners did, but that Tasoulas did not take part in the said second conflict.

Here the jury, receiving through their foreman, to whom the President made a few remarks on the mode of drawing up the verdict, and on the majority requisite for condemnation, all the necessary documents, retired to the chamber appointed for their deliberations.

(Time, quarter before 4 o'clock, A.M.)

(Time, quarter before 5 A.M., 10th May.)

The jury return from their chamber, and take their seat in the court.

President. Are all the jury present?

Jury. We are all present.

President. Will the foreman be pleased to read the verdict?

Mr. Parisis, foreman of the jury, says: On my honour and conscience I declare that the unanimous verdict of the jury is as follows:—1: Yes. The prisoners (1) Athanasius Tasoulas, born in Turkey, and residing at Karditsa, 25 years of age, a shepherd; (2) Leonidas Kalomiris, born and residing at Kapinisi, 30 years of age, a shepherd; (3) N. Katsounis, born and residing at Desicli, 28 years of age, a shepherd; (4) A. Tsounis, *alias* Chormovas, born at Karaki in Epirus, and residing in Livadia, 25 years of age, a field-guard; (5) K. Monachos, born at Kaitsa, and residing at Trili, in Turkey, 25 years of age, a shepherd; (6) P. Lioris, *alias* Viliotis, born and residing at Vilia, 25 years of age, a servant; (7) Ph. Economos, born and residing at Vrilirina, in Turkey, 25 years of age, a shepherd, and all Christians, are guilty of having, in combination with Takos and other brigands, during the last year and subsequently, for the purpose of perpetrating criminal acts not yet specified, and constituting a band of brigands, and having at Mount Exarchi, or Karamousa, in the district of Livadia, first attempted to compel the Government authorities to omit acts pertaining to their public duty, and of having to this end employed force against the persons of public officers, and resisted the troops that endeavoured to make them prisoners; 2, of having deliberately with premeditation, by means of fire-arms, loaded with powder and bullets, killed George Spiliopoulos, serjeant, and Janni Karipi, corporal; 3, of having, with the intention of committing murder against the rest of the troops present, K. Makatsa, N. Kariki, and others, and B. Anagnostopoulos, serjeant-major, committed an overt act, constituting the commencement of a completed crime—that is, of having with their said

arms, loaded with powder and bullets, fired on the said troops, but owing to circumstances independent of their will, failed in carrying out their intention, but wounded three of the soldiers.

2. Yes. The prisoners A. Tsounis, *alias* Chormovas, K. Monachos, P. Lioris, *alias* Viliotis, Ph. Œconomos, are guilty—1, of having last year and subsequently united with Takos and Christos Arvanitei and others, and constituted a band of robbers for the purpose of perpetuating many not yet specified criminal acts, and in consequence at Pikermi, in the district of Marathon, with the intention of seizing and retaining property that did not belong to them, attacked Lord Muncaster and his lady, Mr. Lloyd and his lady and daughter, Messrs. Herbert and Vyner with their servant, and M. de Boyl, with their attendants P. Vasilakos, D. Bambali, A. Bulgaris, and D. Vuyuka, gendarmes, while passing along the public road leading from Marathon to Athens, and, bearing and using arms, taken from the said travellers various articles of value; 2, of having endeavoured by acts of violence to prevent public functionaries from the discharge of their public duties, that is, of having compelled the said gendarmes to abandon the said travellers, whom they were escorting; 3, of having premeditatedly resolved on and deliberately perpetrated murder in the person of the gendarme Vasilakos, and with the intention of committing murder in the person of the other gendarmes, committed an overt act constituting the commencement of a completed crime, that is, fired upon them with arms loaded with powder and bullets, but failed in their purpose through circumstances independent of their will, but wounded D. Bambali in the cheek; 4, of having captured by force and without any right, the above-mentioned travellers, and of having carried them to different localities in Attica, thus withdrawing them from Government protection; 5, of having employed violence and threats to extort money from them for the purpose of obtaining unlawful gain, and of having failed in their attempt, through circumstances independent of their will. And the above-mentioned four prisoners, A. Tsounis, *alias* Chormovas, K. Monachos, P. Lioris, *alias* Viliotis, and Ph. Œconomos are guilty of having, on the 9th of April last, at Sykamenon :—1, attempted by acts of violence to prevent the authorities from the discharge of their public duties, that is, of having fired on the troops that endeavoured to rescue the said captives; 2, of having, with the intention of premeditatedly murdering the said troops, S. Bonis and others, committed an act constituting the commencement of a completed crime, that is, fired on them with arms loaded with powder and bullet, but from circumstances independent of their will, failed in their purpose; 3, of having premeditatedly resolved on and deliberately perpetrated the murder of the said Herbert, Lloyd, Boyl, and Vyner with swords and fire-arms.

President,—Bring the prisoners (the prisoners are brought). The Registrar will read the verdict of the jury.

(The Registrar, Jannis Sakelarios, reads the verdict.)

President.—We are ready to hear the Procureur-Général.

Procureur-Général.—The numerous and varied crimes of which the prisoners have been declared guilty by the jury's enlightened and righteous verdict are specified and punished by the Articles 363 and 364, sections 2 and 3; Articles 189 and 169, sections 1, 47, 49, 288, 321, 368, and 109, all combined, of the Penal Code. From the combination of the said Articles capital punishment is to be inflicted on those guilty of the crimes specified by the verdict; accordingly, the Court will, in terms of the law, pronounce the penalty to be inflicted on the prisoners now declared guilty. Further, the Court, in virtue of the Royal Ordinance annexed to the 5th Article of the Penal Code, will fix a place for the execution of their sentence. As a suitable spot for this purpose, I suggest the place of the greatest resort within the city of Athens. The prisoners will further be condemned to costs.

President. Have the prisoners anything to say?—*L. Kalomiris* (prisoner). We wish to appeal to the Court of Cassation. That will give us other eight days more.

President. Afterwards the subject of appeal will be taken into consideration. At present the penalty is to be pronounced.

Deliberation and Decision.

The Athens Court of Assizes,—

Considering the Decree for Prosecution No. 615, issued by the Athens Correctional Tribunal; the indictments No. 1,647 and 1,653, communicated to the prisoners by the Procureur-Général; the list of witnesses; the summonses and the certificates proving that

all these documents were duly served; and the verdict of the jury, which is as follows :—
(the verdict again read);

Having heard the Procureur-Général, the prisoners, and the Counsel for the defence;

Whereas the crimes of which the prisoners have been declared guilty are specified, and to be punished as follows :—

Article 363, § 1. "As guilty of robbery, are to be punished, such as wishing to take possession unjustly of property not belonging to them, and to appropriate it unjustly to themselves, have attacked or assaulted any person, or threatened him with bodily harm or death."

Art. 334, §§ 2 and 3. "The penalty of death is to be inflicted; 2, on such robbers as have committed murder; 3, or who have committed robbery on the highway, or with the use of arms."

Art. 169, § 1. "Whoever endeavours to compel an authority to take, omit, or reverse an act or ordinance pertaining to the discharge of public duty, is to be punished as guilty of resistance to lawful authority—1, with imprisonment and hard labour, if the resistance was accompanied with personal violence."

Art. 47. "Whoever, with the intention of committing a crime or misdemeanour, perpetrated any overt act, comprehending at least the commencement of a completed crime or misdemeanour, is to be punished with a proportionably lighter penalty than if the offence had been consummated."

Art. 49. "The attempt to commit a crime, when no special provision of the law applies to the point, is to be punished as follows :—1. Instead of capital punishment entailed by the crime in question, if completed, imprisonment and hard labour for life. § 4. A corresponding diminution of the penalty is to be applied when the completed crime is punishable with imprisonment and hard labour."—(Art. 11.)

Art. 288. "The penalty of death is to be inflicted on the murderer who has premeditatedly and deliberately perpetrated murder."

Art. 321. "Whoever, without right, carries off any person by force or fraud, or if the person carried off without force or fraud be under 14 years of age, and the abduction be perpetrated without the consent of the parents or guardians, so that the person abducted be withdrawn from protection of Government or of lawful directors, such offender is to be punished as guilty of criminal abduction.

3. "The said offence is to be punished with imprisonment and hard labour for a limited time, if the abduction be not accompanied with any of the aggravating circumstances."

Art. 368. "Whoever by violence or threats compels any one to do or to omit anything for the purpose of procuring for himself or another unlawful gain, is punished as guilty of criminal violence, with the following distinction: With imprisonment and hard labour for seven years at most, if the violence consisted in exciting the apprehension of future ill-treatment or harm, or in the use of threats."

Art. 109. "He who is guilty of many criminal acts, of the same or of different kinds, or he who has continued for any length of time, or by a series of individual acts to commit the same offence, is punished with the highest penalty fixed for such offence under the most aggravating circumstances."

For these reasons, and in virtue of the 32nd Article of the Penal Code and 82nd Article of the Code of Penal Procedure.

Condemns to the penalty of death the following prisoners, already declared guilty by the verdict, namely :—Athanasius Tasoulas, born in Turkey and residing at Karditza, 25 years of age; Leonidas Kalomiris, born at Karpinisi, 30 years of age, a shepherd; Nasos Katzounis, born and residing at Desicli, 28 years of age, a shepherd; Alexios Tsounis, *alias* Chormovas, born and residing at Kiriaki, in Epirus, 25 years of age, a field-guard; Kost. Monachos, born at Kaitza, and residing at Trili, in Turkey, 25 years of age, a shepherd; Pericles Lioris, *alias* Villiotis, born and residing at Villia, 22 years of age, a servant; and Photis Economos, born and residing at Vriliani, in Turkey, 25 years of age, a shepherd; and all Christians.

The prisoners are further condemned to costs.

President (to the prisoners). The Court have pronounced on you the sentence of death. You may, within five days from this date, enter an appeal to the Court of Cassation, declaring it before the Registrar of this Court of Assizes, and showing him a certificate from the Superintendent of the prison, to prove that you are in custody. (*Rings the bell.*)

We hereby declare the sitting closed.

(Time, half-past 5 o'clock A.M., the 10th May.)

Mr. Erskine to the Earl of Clarendon.—(Received June 17.)

My Lord,

Athens, June 9, 1870.

M. VALAORITY called upon me this morning for the purpose of communicating to me two telegrams which have been received by the Hellenic Government from Lamia, and of which translations are inclosed herewith, in reference to the movements of the brigand chief, Takos.

The first of these telegrams, which is from the Nomarch of Lamia, states that an active search is being made for Takos in that neighbourhood, on Greek soil; but hitherto without success. The second reports that Takos had been joined by several other brigands, and is now at the head of a band of nineteen which had remained for ten days at the Ottoman village of Lakressi, where it was maintained by the inhabitants of the place, which, strange to say, is a Turkish military station.

Although this information may ultimately prove to be erroneous, I have communicated it, by telegraph, to Her Majesty's Ambassador at Constantinople.

Photiades Bey, to whom also I have spoken on the subject, knows nothing more than what he has learnt from the Greek Government.

On the other hand, M. Valaority is still under the impression that Takos is lying concealed in this neighbourhood, and he has induced M. Zaïmis to double the reward offered for his capture or destruction.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1 in No. 3.

MM. Alexandron and Ladopoulos to the Minister of the Interior and of War.

(Translation.)
(Telegraphic.)

Dracospilia, June 8, 1870, 10 o'clock A.M.

SINCE yesterday morning has commenced the patrolling and the tracking in different directions, principally in the Demos of Heracleon, Thermopylæ, and Lamia. During the night detachments were placed in suitable ambush, and to-day the patrolling continues. Neither in the district of Alamanos, nor in the district of Dracospilia, which have been minutely searched, was there found any trace of the existence or the concealment of the brigand band of Takos Arvanitis. We are busy in police inquiries; we shall do all that it is possible for any human being to do.

The Nomarch of Phthiotis,
(Signed) G. BOURZOUKIDES.
The Commander of the 3rd Battalion,
P. ALEXANDRON.
The Commander of the Flying Column in Locris,
J. LADOPOULOS.

Inclosure 2 in No. 3.

MM. Petimezas and Demetriades to the Minister of the Interior and of War.

(Translation.)
(Telegraphic.)

Lamia, June 8, 1870, 2:40 P.M.

THE brigand chief Takos, with seven or eight followers, Tsetouras and Doulaveris, in all nineteen, for ten days remained at the Ottoman village Lakressi, where there is a Turkish military station, maintained by the inhabitants of that place. This has been deposed to us by an escaped captive from Agrinion whom Doulaveris had captured about two months ago. Details by post.

(Signed) A. PETIMEZAS, *Eparch.*
C. DEMETRIADES, *Lieutenant-Colonel.*

The Earl of Clarendon to Mr. Erskine.

Sir,

Foreign Office, June 14, 1870.

ALTHOUGH you mentioned in your telegram of the 9th instant that you had communicated to Sir Henry Elliot the rumoured escape of Takos and his band into Turkey, where they had found countenance from the villagers, and even from the military authorities, I requested his Excellency immediately to apply to the Porte on the subject, and I have had the satisfaction of hearing from him this morning that the most stringent orders had been given to the Turkish frontier authorities for his capture. Your telegram of the 13th instant, announcing the capture and death of seven brigands near Volo, shows that the Greek authorities are actively engaged on their side of the frontier in the same direction; and between the Turkish and Greek forces it seems difficult to suppose that Takos can long elude pursuit.

But you will, if you have not already done so, press upon the Greek Government not to allow any formal question of frontier to interfere with the capture of this brigand band, either on Turkish or Greek territory. The frontier Convention between Turkey and Greece admits of mutual pursuit across the respective borders, in the absence of troops of the Power within whose territory brigands may have been driven to seek refuge; and it concerns the honour of the Greek Government that its frontier authorities should not show themselves careless or lukewarm in the measures they may take for the suppression of this notorious band of brigands.

I am, &c.
(Signed) CLARENDON.

No. 5.

Mr. Edward Noel to the Earl of Clarendon.—(Received June 17.)

My Lord,

15, Thurlow Road, Hampstead, June 16, 1870.

I BEG leave to point out an inaccuracy in Mr. Erskine's letter to you, bearing date Athens, 25th May, and published in the Correspondence No. 14.

Mr. Erskine there calls George Yanni Mr. Noel's man. I am enabled to assure you, on the authority of my son's letters, that Georgos, the brother of the brigand Chiefs, was not in his service. The two brothers in his employ as shepherds were living unmolested at Achmetaga at the date of his last letter to me (6th June).

My son also states positively that Georgos, who appears to have accompanied him from Chalcis, had no influence whatever with his brothers, the brigands.

My son himself was nearly falling a victim to the suspicions of the latter. Christos wanted to detain him till answers should arrive from Athens to the letters written by the captives on Thursday morning. Takos overruled this, deciding that he had better leave, in order to communicate with Mr. Erskine. Had he been detained, my son states he would, undoubtedly, have shared the fate of the others.

I am, &c.
(Signed) EDWARD H. NOEL.

GREECE. No. 16 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands, of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

GREECE. No. 17 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

(TRANSLATIONS of Papers printed in the French Language
in Parts Nos. 1 to 16.)

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—157.] Price 5½d.

Translations of Papers printed in the French Language in
Parts Nos. 1 to 16 of "Correspondence respecting the
Capture and Murder by Brigands of British and Italian
Subjects in Greece."

PART I.

Inclosure 1 in No. 4. ("Greece No. 1," page 6.)

Letter from the Brigands.

Messieurs les Ministres of England and of Italy,

THE gentlemen are very well; but in regard to what we have agreed upon with the gentlemen concerning the ransom of 25,000*l.*, we demand from the Hellenic Government an amnesty, and that pursuit may be prevented, not only in Attica, but in all the provinces; for if we find that we are pursued, the gentlemen will be in danger. We expect your answer to-morrow without fail.

PART III.

Inclosure 5 in No. 1. ("Greece No. 3," page 4.)

M. Zaïmis to Lieutenant-Colonel Théagénis.

M. le Lieutenant-Colonel,

WE have taken into consideration the letter which you have addressed to Captain S. Apostolides, by which you let it be seen that you apprehend the departure of the Arvanitéi. We hasten to transmit to you the order, in case of a refusal on the part of the Arvanitéi to release the captives on receiving their ransom, to give orders to the military detachments to effect a blockade of Oropos, and to prevent, with all their force, the escape of the Arvanitéi with their captives. As soon as they shall be closely surrounded in Oropos, you will again propose to the Arvanitéi that, after having received the ransom, and released the captives, they may withdraw themselves where they please,

Inclosure 7 in No. 1. ("Greece No. 3," page 5.)

Extract from the "Courrier d'Athènes" of April 16, 1870.

Athens, April 15, 1870.

LAST Monday, the 12th of April, towards 9 o'clock in the evening, the Government unexpectedly received the melancholy and distressing news of a deplorable act of brigandage, which has just taken place at about two hours' distance from Athens. This disastrous intelligence, by which the whole capital was thunderstruck, spread with the rapidity of lightning, and threw the inhabitants into a state of sad and deep emotion. We think it our duty to give our readers an exact and detailed account of this event, which for the last five days has kept the population in a state of agitation, and politicians in the most painful anxiety.

On Monday morning, Lord Muncaster, and his wife, Mr. Frederick Vyner, an Englishman, Mr. Herbert, Secretary of the English Legation, Count Boyl, Secretary of the Italian Legation, and Mr. Lloyd, an English barrister, with his wife and little

daughter, set out from the Hotel d'Angleterre, in two carriages, directing their course to Marathon, to visit the battle-field. The strangers were accompanied by an Italian servant, and one of the guides in the service of the hotel, Alexander Anémoyannès, who knew English. At the request of the strangers, the Commandant of the gendarmerie, and the Director of Police, had placed at their disposal, according to the custom in similar circumstances, four mounted gendarmes, to accompany them as guards during the excursion. These four gendarmes, however, had been placed at their disposal, more to conform to a habitual custom than from any motive of real fear, which the authorities of the gendarmerie, as also of the police, could entertain with respect to the safety of the travellers during their excursion. The authorities were fully persuaded that there was perfect security in Attica, and that there was no danger for any one at all to traverse it from one end to the other. Unfortunately this excursion was destined to come to a disastrous and melancholy end. After they had visited Marathon and the environs, the travellers were returning to Athens, completely satisfied, when, at half-past 4 o'clock, at the bend of a road between Pikermis to Spata, on the borders of the Demes of Kropia and Marathon, the travellers fell into an ambuscade of brigands. Directly the advanced guard of the brigands appeared, the two mounted gendarmes rushed upon them, opened fire, and drew their swords; but they could do nothing against the great number of brigands with whom they found themselves suddenly face to face; and they had been placed *hors de combat* at the very first shots, one having been badly wounded in the chin, and the other in the stomach. The carriages were immediately surrounded by about twenty brigands, and the foreigners in them were forced to alight. At the same moment the brigands snatched a diamond ornament from Lady Muncaster, and commanded all the captive travellers and the two other gendarmes to follow them. They were conducted to a place about a quarter of an hour off in the direction of Pentelicus. There they were received by six older brigands, who were waiting for them. These last were the Chiefs Arvanitès and Spanos, from what we are told, with their staff, to whom the captive strangers were handed over. At this moment a detachment of six soldiers came up, who opened fire on the brigands: but, on the one hand, the number of the latter was greatly superior, as they were thirty; and, on the other, the threat that they had made, that they would kill their prisoners if the troops continued their fire, compelled the soldiers to discontinue their attack, and allow the brigands to retire quietly. Unwilling, doubtless, to be embarrassed by the presence of the women, who were sure to hamper their movements, they set them at liberty towards 7 o'clock in the evening. They then allowed their Italian servant to accompany them, and conducted them on horseback to the village of Charvati, where the carriages awaited them, in which they returned to Athens. With these ladies the two wounded gendarmes also returned, and received in the carriage every possible care at the hands of these noble Englishwomen. When the brigands had arrived at their camp, that is to say, their den, they gave their prisoners paper, pen, and ink, in order that they might send the news of their capture to Athens, and make known the amount of the ransom required by the brigands to set them at liberty. At the moment of the ladies' departure, the Chief of the brigands reassured them as to the safety of the lives of their husbands and of their travelling companions, adding that they would pay them every possible attention, and that they would see them again immediately the ransom should be paid. The brigands demanded in their letters, at first, 32,000*l.* to liberate the prisoners, and afterwards 50,000*l.* more, or their amnesty; and they have demanded, besides, the suspension of all pursuit on the part of the public forces, until the close of negotiations. According to information we have received, the Government, yielding to the representation of the Ministers Plenipotentiary of England and Italy, and to the entreaties of the wives of the prisoners, have suspended all pursuit of the brigands; and their liberation is expected almost immediately. It is not known where the prisoners have been conducted, or the direction taken by the brigands, who will naturally, owing to their accurate knowledge of the country, employ every means to place their prisoners in a secure position, and not to set them at liberty until after they have secured their retreat against all danger.

It would be difficult to depict the painful anxiety, the mingled feelings of sorrow and foreboding which the situation of these noble strangers has caused to all, without distinction of party—a situation which, considering the demands of the brigands, cannot but cause us some misgiving.

The facts which we shall know later will show us whether efforts have been made to put down brigandage, if it has been repressed as it ought to have been; but, nevertheless, if, checked though it has been, the band of the Arvanitis has escaped the unflagging pursuit made against them lately in Locris and Bœotia, has succeeded in penetrating into Attica, and has dared to commit an execrable crime, that does not prove that brigandage has not been actively pursued, and still less that it is in a flourishing state. With this great misfortune, this truly public calamity before our eyes, we cannot help expressing how

painful it is to us that, in this distressing state of affairs, not one of the organs of the organs of the Opposition have spared us the regret of seeing ourselves forced to point out the ill-will with which they have all vied in believing that they could serve their party in no better way than by flinging against the Ministry, on the occasion of an event deplored by the entire population of Athens, accusations which have no foundation except in their imaginations—accusations which cannot be regarded by the public conscience as anything but unfounded, until light can be brought to penetrate the darkness which enshrouds this sinister event, the blame of which, it seems to us, cannot be laid on any save the perpetrators of the crime.

Certain organs of the Opposition have stated, as an incriminating charge against the Ministry, that the English Minister applied for information from the Government respecting the state of public security, in order to communicate it to the English travellers, and that he even requested the Government to provide a military force to accompany them and protect them during their excursion. This statement of the Opposition organs is totally false. To-day it is certain that no application whatever was made to the authorities, unless it was that notice was given to the police, doubtless by the maître d'hôtel of the travellers, of an excursion into the interior, which was communicated by the police to the commandant of gendarmerie, in order that he might furnish, as is customary, three or four mounted gendarmes to escort the travellers on their excursion. But neither the English Minister, nor any one acting for him, nor any one else, informed the Government that any distinguished foreigners were intending to go out of Athens, any more than further application was made for information on the state of public security, with the view either of preventing them from executing their design, or to induce the Government to take the necessary measures to secure them from all danger during their excursion. But unhappily many circumstances combine to corroborate the suspicion that the projected excursion was betrayed from this very city, and that the brigands had been informed of it while in the Megaria, where they were being pursued two or three days before the sad event.

In any event, we consider it a matter for deep regret that the President of the Council was absent from Athens at that juncture; for when we recall the fact that on a previous occasion, under similar circumstances, M. Zaïmis, following the dictates of prudence, and even in spite of advice to the contrary, caused a party of foreign tourists to be accompanied by an escort of thirty soldiers, we cannot help believing that, had he been at Athens when these distinguished foreigners planned their excursion, his foresight would have anticipated this event, the results of which may prove so disastrous to our country.

Inclosure 8 in No. 2. ("Greece No. 3," page 11.)

Lieutenant-Colonel Théagénis to M. Zaïmis.

Mr. President,

Marcopoulo, April $\frac{8}{20}$, 1870.

THIS morning, in spite of the rain, I repaired, with five of the troopers under my command, to the port of Oropos, to meet Mr. Noel there, who had come from Chaleis with one of the brothers of the Arvaniti; but I was unable to find him there, as Christo Arvaniti had arrived the very evening before, with four of his band, to meet his brother, and having taken him with him, as well as Mr. Noel, has gone to the village of Oropos, where his band and the European prisoners are installed.

I therefore decided also to repair to the above-mentioned village. On my arrival I found the brigands before the house of Scourtanioti; they received me, and conducted me to the quarters of the prisoners. I hastened to deliver the letters I had with me, addressed to these gentlemen, without any obstacle being thrown in my way.

After a few words had been interchanged, I proceeded with Taco Arvaniti, who calls himself the Chief of the band, and with Mr. Noel, into a room by ourselves, and began negotiations with them for the liberation of the prisoners. I represented to him on the one hand all the difficulties which are opposed to the admission of their demands; and on the other, all the means that the Government is willing to place at his disposal for their material interests as well as for the safety of his band; and at the same time showed him that certain danger and his complete destruction would result if he insisted on his impossible demands and continued to detain the foreigners. I read him my instructions and commented on them from more than one point of view, but it was all in vain. Neither he nor his brother Christo, who came to take part in the conversation, were willing to consent. It is the amnesty to which they cling so pertinaciously, and when I explained to them that the Government is favourably disposed even to that, but that it is not in its power to grant it, as it is opposed to the Constitution, they said to me, "And who made

the Constitution?" "The nation," I answered. "Very well then, let the nation assemble and modify it; that which can make can also unmake. We are in no great haste, we can wait even ten months." "What, and keep the prisoners all the time?" I asked. "Most certainly," they answered, "Heaven has sent them to us to save us," &c.

Such were, in general terms, their unreasonable demands. We then began to speak about their pardon, and I assured them that that was quite possible, as pardon is a royal prerogative, but that a preliminary sentence is absolutely necessary. "Then let a Court of Assize come here to judge and condemn us," said they, "in order that the law may be completely carried out."

Their demands, as you see, were as unreasonable as they were revolting. And when I told them, in conclusion, that they had better remain at Oropos, as well for the sake of the strangers as for their own safety, as here they are not pursued; while if they venture to leave Oropos they might meet some detachments, who might very possibly not respect the inviolability which they find at Oropos, they grew angry and said "We understand it very well; ambuscades are laid for us, but we shall kill the prisoners."

Shortly afterwards they ordered preparations to be made for departure, and soon changed their minds. In the meantime they have compelled the prisoners to communicate these details to their Ministers, and to give them till to-morrow evening for an answer. They pretended that this last resolution is contrary to the one taken previously, according to which they had believed that the permission to make use of country houses was general and absolute. After having repeatedly reiterated my counsels, but always without any result, and when I saw that there was no hope of coming to an arrangement, but that they always repeated that they wanted to save their lives, and save them on this very spot, I was obliged to leave them.

From what I have understood from their expressions, I feel convinced that they hope that the Ministers of England and Italy will force the Government to accept their terms, although I have tried to explain to them the sentiments of the Ministers, who approve of the decisions of the Government.

It appears that their plan, or rather their fixed resolve, is to advance towards Bœotia, and further, and an attack directed against them cannot but expose the lives of the prisoners to inevitable danger—danger which these gentlemen perfectly foresee.

To-morrow, with the troops under my orders, I go to Salessi to communicate to the Captains Apostolides and Liacopoulo, who are quartered there, the determination of the Government to prevent, even by force, the advance of the band of the Arvanitéi towards Bœotia. In this village I shall await the orders of the Government, who perhaps think with me that, after the communication which I have had the honour to make, my mission is ended.

I hope that the village of Salessi, as also other favourable positions, have been to-day occupied by the soldiers, as, in fact, the inclosed letter from M. Apostolides tends to prove. What has struck me most, however, is that the brigands have heard nothing of the measures that are being taken.

A few hours ago a Royal steamer came and anchored at the port of Oropos. I sent to ask the commander if he had brought anything connected with my mission, and he answered that he was only cruising.

Pray accept, &c.
(Signed) B. THEAGENIS.

PART V.

Inclosure 7 in No. 3. ("Greece No. 5," page 6.)

M. Valaority to Mr. Erskine.

Sir,

Athens, April 1st, 1870.

INSTEAD of answering the communication which you addressed to me under date of ^{March 31} April 12, concerning the arrest and sequestration by brigands of Mr. Herbert, Secretary to the Legation of Her Britannic Majesty, Messrs. Vyner and Lloyd, together with the Count Boyl, Secretary of the Legation of His Majesty the King of Italy, I preferred coming to an understanding with you, as well as with the Minister of Italy, as to the measures to be taken for saving the lives of the prisoners.

Unfortunately, though both the King and his Government deplore this calamity, every effort, though pushed to the extreme limit of what it was possible for them to do, has remained unavailing.

In face of the terrible termination which this sad event has had, the King and his Government cannot find words to express to you their painful regrets, and there are no sacrifices which my colleagues and I will not impose upon ourselves, as far as we ourselves are concerned, in order to give a solemn expression to these feelings.

Pray accept, &c.
(Signed) SPIRIDION VALAORITY.

Inclosure 8 in No. 3. ("Greece No. 5," page 7.)

Report of Colonel Théagénis.

[See page 15.]

Inclosure 10 in No. 3. ("Greece No. 5," page 9.)

M. Théagénis to M. Zaïmis.

Dear M. Zaïmis,

Schimatari, April $\frac{11}{28}$, 1870.

I TRANSMIT to you two letters: one of which was seized on Christo Arvanitaki, the Chief of the brigands; the other on another of the brigands who were killed. You will remark in the one the counsels which were given to the brigands to insist on the amnesty. The name with which it is signed is, I believe, a fictitious one; in the same way that of his comrade, who is mentioned there, is conventional. In the other you will perceive that the writer was an employé in the public service, as he complains of his recall, being in connection with these very brigands.

M. Liacopoulo has a gold watch and some other little ornaments belonging to one of the Englishmen taken prisoners by the brigands. He will send them to you.

(Signed) THEAGENIS.

Inclosure 11 in No. 3. ("Greece No. 5," page 9.)

M. Kollioté to M. Panaghi.

My dear M. Panaghi,

Kiourka, February $\frac{15}{27}$, 1870.

I HASTEN by this note to ask for news of your health, which is so precious to us; and if you ask after ours, thanks to Heaven we are well. I beg you to send me, by the bearer of this note, the pistol which you know of. I mean the pistol belonging to my friend Clio Ghiliati, because I have given him my promise. It is on this account that I send some one expressly, and you will do me a great favour if you will send it to me. I should have liked to have come myself, but I have not had time, as I was obliged to return to Athens, where MM. Koussei have got me appointed to another post.

Your friend,
(Signed) KOLLIOTE.

Inclosure 12 in No. 3. ("Greece No. 5," page 9.)

M. Yanon to Messrs. Demetrius and Christo.

Brothers,

Chalcis, April $\frac{6}{18}$, 1870.

WE are quite well, and hope that you are the same. What you have done with regard to the prisoners is well done. From the information that we have received from our friends, do not ask for money. You must insist as much as possible on the amnesty. All our friends assure us that it will be granted. When they pass a certain place they will be on foot; otherwise, take care to send some other person to our friend. We have also a commission which you must receive, in any case. I have seen our friend to-day, who sends you his compliments.

I am, &c.
(Signed) GEORGE YANON.

P.S.—Insist on the amnesty as much as you can.

To MM. Demetrius and Christo,
Wherever they may be.

PART VII.

Inclosure 1 in No. 7. ("Greece No. 7," page 6.)

Examination of Pericles Lori.

THE brigand Pericles Lori deposed :—

That he is a native of the village of Vilia ;

That the band of the Arvaniti, of which he has been a member for a year, made their entry into Greece during January of the present year ; that their entry was not counselled by any one ; that the band was first beaten at Livadia, where some of their number were killed or wounded ;

That then they went to Ritzona, where they were beaten a second time, and thence passed on to the village of Vilia, in Himadia, where they got assistance from the peasants ;

That he cannot remember the day on which the band arrived at Marathon, but he thinks that it was about fifteen days before the last act of brigandage ;

That the Chiefs of the band, who were Christo and Tako Arvaniti, Démos Patzaoura, and some others, knowing that it was generally the custom for tourists to visit the village of Marathon at this season of the year, had led them there and placed them in ambush ;

That, in fact, five or six days before the affair at Pikermis, the band had failed in seizing some American tourists ;

That this check did not discourage the Chiefs, who determined to hover round the neighbourhood, and wait for some other tourists, who, they said, were coming there ;

That the movements of the band were directed by the Chiefs, who did not speak of them to the other members ;

That he was not in the confidence of any of the Chiefs, inasmuch as he was a stranger to most of the brigands, who were natives of Turkey ;

That the confidant of Takos and Christo was their cousin Elie ;

That besides the witness, there were others of the band who complained that the Chiefs did not pay much attention to them ;

That while the Chiefs received from the shepherds milk, cheese, and good bread, the inferior members of the band had to subsist on flour, which they made into bread themselves, baking it in the ashes of the fire ;

That two days (*sic*) before the affair at Pikermis, as they were hovering about the place, they saw the unfortunate prisoners going to Marathon ; that not having had time to seize upon them, they placed themselves in ambuscade, and made them prisoners on their return ; from what they learnt afterwards, there was a detachment of soldiers a little way in front of them ;

That as soon as they had seized upon the travellers, they cried to the guide to prevent the above-mentioned detachment, which in the meantime had arrived on the spot, opening fire ;

That accordingly the guide, waving a white pocket handkerchief, prevented the soldiers from charging the band ;

That he cannot remember the place where the prisoners were conducted after the affair at Pikermis, because night had already come on, and he was unable to distinguish the places they passed through ;

That after the departure of Lord Muncaster (whom they designated by the name of the "tall one" (ὁ μέγας)), they were visited by a servant of the travellers, who brought them provisions ;

That on the following day, in the evening, some other persons whom he did not know, but amongst whom he remembers having seen Captain Gako, Nasso, Seliami, and Liaco, came to see the Chiefs ;

That it was impossible for him to find out what the new arrivals had said to the Chiefs, because the latter had made no communication, except among themselves, either of their own intentions or of the news they received ;

That they went to Oropos, in order that their prisoners might be more comfortable, as the rain, which was coming down as fast as it could pour, had caused them some suffering ;

That the Chiefs, after having told Lord Muncaster that for the release of the prisoners they should require 25,000*l.*, or the amnesty, suddenly changed their minds, and made both the one and the other the condition of their release ;

That the subordinate members of the band, among whom was the witness himself, advised the Chiefs to confine themselves to the ransom ; but Tacos and Christos replied, that they were perfectly indifferent as to the money, but that they were specially anxious for the amnesty ; in other words, that Tacos and his brother had plenty of money ;

That Tacos exercised absolute authority over the band, inasmuch as among its members there were, besides his brother Christos, four of his cousins, Demos, Patzaoura, Lareada, and Elie, by means of whom he controlled the others;

That the letters which came to the Chiefs were read by a certain Zomas of Thebes;

That if the ransom had been brought, the subordinate members of the band would have revolted against the Chiefs, seized the money, and fled;

That he does not know whether Tacos, in putting forward these conditions, had been urged to do it by counsels from without, because when the band arrived at Oropos, the chiefs, followed by the prisoners, had quartered themselves in some houses, while the subordinate members had lodged in huts;

That, when after the disaster, the remainder of the band reproached Tacos with being the cause of it, he answered them with tears in his eyes, that the fault was not his, but theirs who had written to him from Chalcis to insist on the amnesty*;

That he gave the above-mentioned persons the title of *μεγάλοι* (persons of high position), without, however, mentioning their names;

That he is ignorant whether counsels to the same effect had been given to Tacos from Athens as well;

That after remaining two or three days at Oropos, the Chiefs, considering that this position was not too secure, decided to push on to Sykamenos, where they already had had lodgings prepared for them;

That, in fact, they set out on their route without knowing that there were some detachments in the neighbourhood;

That the Chiefs having communicated to the messengers from Athens their idea of going on to Sykamenos, were counselled by them not to move, and to accept the ransom without insisting on the amnesty, in order that they should not have to repent themselves of it (as the messengers told them);

That this sentence alarmed the Chiefs, who from that time decided to effect their retreat to Sykamenos;

That he is ignorant whether any persons from Athens made any other proposals relating to the transport of the band out of the country;

That on its arrival at Sykamenos, the band was warned by the advance-guard that there were troops there, amongst whom were forty mounted troopers; that then Tacos drew a paper from his sash, which he gave to the guide with orders to go to the troops and demand a free passage for them;

That, while waiting for this answer, the band laid by, but when the guide did not return, they continued their march to Dilessi;

That about an hour afterwards the troops opened fire on them;

That then the band threw aside their cloaks and began to run as fast as they could, followed by the prisoners;

That the latter were guarded by the Chiefs, one of whom, Christo Arvanitis, being wounded, was only armed with a pistol;

That when they saw the troops, the chiefs cried "Don't fire;" but that the former, immediately the band was within range, opened fire upon them, and he, the witness, being in the advanced guard, was the first to be wounded;

That the band did not return the fire of the troops till they reached Dilessi;

That he was unable to see the massacre of the prisoners because, by reason of his wound, he was marching in front of them supported by two of his comrades; but that he learnt from the latter afterwards that a man named Catarrahias, one of the brigands belonging to the band, had killed one of them.

Inclosure 2 in No. 7. ("Greece No. 7," page 8.)

Examination of Costa.

THE brigand Costa deposes :—

That the idea of the amnesty was given to the Chiefs by Lord Muncaster himself;

That Tacos demanded a ransom of 50,000*l.*, or only 25,000*l.* and the amnesty;

That on the evening of the day on which the band was attacked by the troops, Tacos, answering the reproaches which his comrades made against him of having been the cause of the disastrous issue of the affair, told them that he was not to blame, but some people of high position, who advised him to insist on the amnesty;

* See Inclosure 12 in despatch of April 28 ("Greece No. 5," page 9), that is to say, the letter found on Christo's dead body, and signed by Mr. Noel's man, George Yanon, a brother of the Arvanitéi.—E.M.E.

That M. Théagénis told the Chiefs that the amnesty could not be granted, that they should be contented with the ransom, that they would have saved their lives, and that they would do well to remain at Oropos ;

That he is ignorant whether M. Théagénis guaranteed the Chiefs a safe retreat ;

That in spite of that the Chiefs insisted on the amnesty, because they always hoped to succeed in obtaining it ; but they would have ended by accepting his offers, if in a few days they had been convinced that all hope was in vain ;

That Tacos acted as Captain over the remainder of the band, who, however, would have abandoned him if the ransom had been paid ;

That, he having decided to go to Sykamenos, they had determined to continue their route to Livadia, and from there to pass through the Pitiotide towards Turkey ;

That, when they arrived at Sykamenos they perceived the presence of the troops, to whom they sent the guide to warn them not to fire ;

That as the guide did not return, the band threw off their cloaks and pushed on with all possible speed, through fear of being surrounded ;

That about half-an-hour afterwards they met the troops, who opened fire upon them ;

That, when they arrived at Dilessi, they were charged in front and in rear by the troops, and the cavalry advanced to make them give way ;

That the brigands Catarrhia and Barbayanni were killed by the troops ;

That Mr. Herbert (named by the brigands "the man with the long beard") marched between these two brigands, who helped him along, and who also killed him when they saw that he could go no further ;

That Mr. Lloyd (to whom the title of *ὁ ἀνγυμένος*—"the married man"—was given) was killed after the troops had killed Christo and other brigands ;

That he had heard all this afterwards from his comrades, because, as he was wounded, he marched in front, and so could not see what was passing behind ;

That that is the reason why he also does not know who was the murderer of M. Boyl ("the Italian," as the brigands called him) ;

That as for Mr. Vyner ("the child," as he was called by the brigands) he had heard that he was killed by Xephloudas, because he was unable to go further from loss of strength ;

That the band, though they knew very well that their guns could not reach them, nevertheless returned the fire of the troops, who were at a distance of about a quarter of an hour ;

That Tacos, who during the action had been wounded in the head, repented of not having accepted the ransom, and wept and lamented with grief for having lost his brother and his comrades, and with fear for the consequences of the disaster ;

That he is ignorant whether Tacos, in insisting on the amnesty, had been urged to it by persons from without ; but before the capture of the Englishmen he said that his brother was going to arrive from Athens ;

That not one of the band has ever gone to Athens ;

That they knew that tourists were going to pass by the place where they were in ambush several days before ;

That six days before the affair of Pikermis they had failed in capturing some other tourists ;

That they had no idea with whom they had to do ;

That Tacos never took counsel with any but his confidants ;

That he is ignorant whether Tacos received any letters, but has often seen him converse with the persons who brought provisions to the band ;

That he only knows one of the brothers of Tacos, viz., the one who is in the service of a Frank in Chalcis (Noël) ;

That he does not know what the brothers said to each other ;

That he is not acquainted with the places they passed, as he is not a native of the country ;

That the band of the Arvaniti is not on good terms with that of Spanos, as the former levy contributions on the Chiefs of the latter ;

That he is ignorant in what manner Catarrhia killed Mr. Herbert ;

That Mr. Lloyd was killed by Stathaki ;

That he did not see either Mr. Boyl or M. Vyner killed, because, as he said above, he was wounded, and had to march in front ; and that, in his opinion, from Sykamenos to the place where Mr. Herbert was killed, is a distance of about two hours.

Inclosure 3 in No. 7. ("Greece No. 7," page 9.)

Examination of Alexis Tzounis.

THE brigand Alexis Tzounis also deposes that if the band insisted on the amnesty, that depended on Tacos, who exercised absolute control over the band ;

That at first Tacos had accepted the proposal of Lord Muncaster, namely, the ransom of 25,000*l.*, or the amnesty, but had subsequently repented, and put forward both conditions for the release of the prisoners ;

That he is ignorant whether Tacos received letters from Athens or elsewhere ;

That five individuals came from Athens to the place where the band was encamped ;

That Dinos, the brother of Tacos, was entirely unknown to him ;

That the band left Sykamenos, preceded by the prisoners, who were guarded by Tacos himself ;

That he is ignorant who killed the prisoners ; but that it was the troops who fired the first shots.

Inclosure 4 in No. 7. ("Greece No. 7," page 9.)

Examination of Photi Conemos.

THE brigand Photi Conemos, a native of Agraphá, deposes :—

That Mr. Herbert was killed by Catarrhia and Barbayanni ;

That as regards Mr. Lloyd, he thinks that it was Tzacanicas who killed him ;

That he is totally ignorant who killed Messrs. Boyl and Vyner ;

That being wounded, he marched in front of the band, supported by his comrades ; and he could not therefore see what was passing behind him ;

That the subordinate members of the band counselled Tacos to accept the ransom, and not to insist on the amnesty ; but that Tacos, being well supplied with money, refused ;

That he is ignorant of the motive which urged Tacos to insist on the amnesty, and refuse the money ;

That five or six days before the last act of brigandage, the band had seen some other tourists crossing the route, round which they were hovering ;

That they had determined to seize them, but had missed their opportunity ;

That they set out from Vilia, where they had been five or six days before ;

That they had determined to abandon Sykamenos, because they perceived the presence of the troops ; and,

That Mr. Herbert was killed by Catarrhia and Barbayanni ; the former giving him a blow on the nape of the neck, which felled him headlong to the ground, when the latter dispatched him.

Inclosure in No. 8. ("Greece No. 7," page 10.)

The Council of Ministers to Lieutenant-Colonel Théagénis, April $\frac{6}{18}$, 1870.

[See page 16.]

Inclosure 1 in No. 9. ("Greece No. 7," page 11.)

Extract from the "Courrier d'Athènes" of May 1, 1870.

WE said in our sheet No. 90, owing to incorrect information, that the Direction of Police had been apprised by the hotel-keeper where the travellers, whom all Greece is mourning for to-day, were lodged, that they were going to make an excursion to Marathon. Our information was incorrect, because it was from an *employé* of the English Legation that the police received this intelligence, and the Direction of the Police informed the Commandant of the Gendarmerie of it, who sent some gendarmes to attend to their safety during their journey.

Inclosure in No. 11. ("Greece No. 7," page 13.)

Lieutenant-Colonel Théagénis to M. Zaïmis.

Mr. President,

Thebes, April $\frac{13}{25}$, 1870.

I HAVE already had the honour, by my despatch of Schimatari dated the 10th of this month, to announce to you the unhappy events of yesterday. But as that brief report was the result of my first impressions, and of hurried informations, which are not always very exact, I have thought it my duty to report to you in my present despatch all the events which have taken place between the 7th and 10th of this month, so that you should be more accurately informed of all that has passed.

In accordance with the orders of Government of the 6th of this month, I left Athens the next day, and arrived towards evening at Marcopoulo, a village of the district of Perea. M. Æconomides, Demarch of the said district, as he did not wish to go to Oropos to inform the brigands of my arrival and of my mission, which had been ordered subsequently to the letters which they had caused to be brought to the Ministry by himself, I sent to his place a native named Karyda, who, having found the brigands at Oropos, let them know what I had been commissioned to tell them. They replied that I ought to arrive at Oropos at the rising of the moon, or at latest at daybreak, and as they could not go to Oropos, they would leave some one there to conduct me to the place where they expected to stop. The weather was rainy, and during the night I received a letter from the port of Oropos, sent by Mr. Noel, in which he prayed me, in consequence of the orders which Mr. Erskine had transmitted to him, not to put myself in communication with the brigands before having an interview with him. Mr. Noel brought with him a brother of the Arvanitis, in the hope of facilitating by his intervention his understanding with the brigands. Christo, his brother, having learnt his arrival at the port of Oropos, arrived at his meeting place accompanied by four of his companions, and went to bed with them in the same room as Mr. Noel.

If any one had informed me of this incident the deliverance of the prisoners would have been certain, for I should have hastened on with the troops to arrest them, and exchanged them with the prisoners.

The next morning, the 8th, I appeared at the port of Oropos to meet Mr. Noel in conformity with the desire which he had expressed to me in his letter; but I did not find him there. I learnt, however, from the natives that he had gone out with the brigands mentioned above and the brothers of the Arvaniti to the village of Oropos; and not to delay our interview, I set out, too, towards Oropos. On my arrival the brigands conducted me to the house of Scourtanioti, where I saw the unhappy prisoners, and left them. After that, having taken Tacos Arvaniti aside, I communicated to him, in the presence of Mr. Noel, the propositions contained in my instructions dated the 6th of the month, concerning the deliverance of the prisoners. But he, as well as his brother Christo, who had come to take part in the conversation, accompanied by some others, contended that the amnesty should be accorded to them as well as the ransom. It was in vain that I proposed to them other means of safety, such as to depart without being in any way molested by land or by sea, taking safe hostages, myself in the first place, if they wished to go by land, and the English flag if they would go by sea. After some long and useless discussions, I let them know that they ought at any rate, for the interests of the prisoners, to remain at Oropos, for it was upon this condition Government had consented not to follow them; while if they pushed on further they might meet with some detachments, as the Government regarded as not existing the engagement which it had made in the presence of the Ministers, at their request. When the brigands heard this indirect threat, they became irritated and wished to depart forthwith, persisting in maintaining that the promise which had been given them was absolute, and that they might go to Thebes, to Locris, to Lamia, and everywhere else. After having passed several hours in exerting myself all in vain to make these miscreants understand their own interests, as well as their own safety, I decided to depart, and entering the room of the prisoners, I desired them to write their letters if they wished to do so. While these gentlemen were writing, Tacos Arvaniti entered the chamber and said, "I am going to kill them immediately." Then turning towards the prisoners he added, "Write to your Ministers that if this affair is not finished by to-morrow evening, I shall cut your throats, for M. le Colonel wishes it to be so, as he threatens us with the troops." At length, after having taken the letters, I was about to depart, and before getting on my horse, I addressed a last piece of advice to Tacos Arvaniti, who accompanied me. But he replied to me as usual, "Something will happen."

On the evening of the same day I returned to the village Marcopoulo. It was from there that I let you know the result of my interview with the brigands.

On the 9th of the present month, at half-past 4 in the morning, I received the order of Government dated the 8th of the present month, to surround the brigands at Oropos, and at 6 o'clock in the morning I left, and arrived at 11 o'clock at Salessi, to put myself into communication with Captain M. Apostolides and Captain M. Liacopoulo, who were at Schimatari. Having come to an agreement with M. Apostolides, I wrote to M. Liacopoulo to hasten to come to Salessi with the force which he had with him, and at the same time to order the other troops to follow him. I did this :—

1. Because to be able effectually to surround Oropos we needed the simultaneous co-operation of all the troops at our disposal so as to surround the village, and to render every attempt of the brigands to make a sortie vain, after having, according to their custom, killed their prisoners ; and

2. Because the troops under the orders of Captain Liacopoulo, by remaining at Sycamino beyond the river, became useless, and would not be of use to us at Oropos, the incessant rains having rendered the passage of the river difficult.

While I was awaiting there the arrival of M. Liacopoulo, the man called Stavro Liati, an inhabitant of Salessi, who was sent by Captain Apostolides to reconnoitre the movements of the brigands, came to tell us that the latter were preparing to cross at Sycamino.

In consequence of this information I hastened with the troops under the command of Captain Apostolides to march towards Oropos, with the intention of investing the village even with this force alone, if we could succeed in outstripping the brigands, surprising them at Oropos, and cutting off their retreat ; at the same time, I countermanded my previous instructions to Captain Liacopoulo, and ordered him also to post himself in the environs of Sycamino in order to cut off the retreat of the brigands, in case the rest of us should fail in surprising them at Oropo. But during our march, at about 3 o'clock in the afternoon, we met some peasants, who assured us that the brigands had already crossed the river and reached Sycamino. We were, therefore, also obliged to change our route and direct our course to Sycamino in order to prevent them moving from this position, meaning to force them to shut themselves up in the village, and so necessarily compel them to accept the propositions which have been made to them. Unfortunately the river was swollen, and the passage presented great difficulties, which caused some delay. The brigands took advantage of this and fled with all speed towards Dilessi with the prisoners, and some peasants and shepherds, whom they brought with them from Sycamino.

Both before and after the soldiers had crossed the river I had given orders to the officers not to fire a shot, but to confine themselves to cutting off the retreat of the brigands, and so try to bar their progress, hoping by this measure to shut them in at Sycamino. But the brigands increased their pace, and the most active of the soldiers ran on to get up to them. The brigands tried to keep them off by firing some shots and shouting, "Do not come near us, for we shall kill the Englishmen, and then you will be lost." The soldiers answered these shots from time to time, but without any result.

After the river had been crossed, and while we were busy with the officers directing the march of the soldiers, we saw the interpreter Anémoyanni in the distance, who came towards me, and on approaching me, said that the prisoners were likely to get killed, and that we should refrain from pursuing the brigands, as their intention was to stop at Sycamino. As this village belongs to the district of Attica, I told him in answer, to make haste and acquaint the brigands that they could remain quietly, and without fear at Sycamino, as the soldiers had been ordered not to fire at them, and that there they could receive the money and leave the State under the conditions of security that the Government had promised them.

Anemoyanni showed great eagerness to execute this commission, but, on the other hand, pretended that he could not rejoin them on foot, and walked off to the village to try and get himself a horse. Nevertheless, he did nothing ; I think that he treacherously slipped off. I say treacherously, because I have other previous reasons for distrusting his sincerity ; as I remarked that, when at Oropos I was speaking to the prisoners in a foreign language, and one unknown to the brigands, the latter showed by the manner in which they expressed themselves that they knew the subject of my conversations.

As I have already said, the brigands as they advanced fired some shots, and they were followed at some distance by a few soldiers, who also fired, without any success ; and when they neared Dilessi, the Secretary of the English Legation—the unfortunate Mr. Herbert—being fatigued and unable, although they forced him on, to run further, was killed by the brigands. I draw that conclusion because they had no other motive for killing him, and because, about thirty yards before the place where he fell, I myself found his overcoat thrown on the ground, which showed that it hampered him, fatigued as he was by the rapidity of his march. After this melancholy death the soldiers began to aim at the brigands, of whom some were killed. After the second murder, that is to say after

the death of Mr. Lloyd, the advocate of the railway company, who had been killed by the brigands forty paces further on than Mr. Herbert, several brigands were wounded, and the pursuit was pushed on with fury. It continued still when the two other prisoners were found killed, young Mr. Vyner and the Secretary of the Italian Legation, whose death, in consequence of false reports, was supposed to have taken place before the others. The pursuit lasted till night, and for a great distance.

If the armed force at Chalcis, which had received orders to take up its position at Delium, and which we thought was there, because we were under the impression that the steamer which had arrived at Oropos had already landed it, had accomplished its mission, the result of the pursuit would have been quite different; this force by unexpectedly facing the brigands would have opposed their passage, while the troops advancing on their rear would have hemmed them in. In this way the complete destruction of the band, and perhaps the deliverance of some or all of the prisoners, would have been effected; for before Delium no one as yet had been killed, and at such a moment of trouble and danger the brigands would not have had time to kill them.

There was at Delium a detachment of troops under the command of M. Liacopoulos, but unfortunately he was not equal to the exigencies of the occasion, for half the soldiers had shut themselves up in their houses, and were not able to hinder the flight of the brigands, and so give the pursuing force time to get up to them.

The brigands who had been wounded in their flight towards Delium hid themselves in the surrounding thickets, and have been since killed by the soldiers, who discovered them. Christo Arvaniti and Yannaro, although wounded, fired on the soldiers, who in return killed them. Alexis Khimara was the only one who surrendered himself without resistance; he was embarked on board the steamer and taken to Chalcis.

The following are the brigands killed by the soldiers: Christo Arvanitaki, the Chief of the band, Sotiri Zoma, Jean Verphani, Elie Stathaki, Georges Catarahia, Yéroyanni or Yannaro, and Demetrius Tzaranica; Alexis Khimara was taken prisoner. There are some others wounded, who have hidden themselves, for during the last few moments of the pursuit only nine were counted; and, in fact, three others were afterwards discovered and made prisoners, whose names are Photis Œconomou, Pericles Liori, and Constantin Monakho. According to the evidence of the two last-named, there are still two more wounded.

If the brigands had remained one night more at Oropos, and the investment of the town had taken place, the rescue of the prisoners could not have been doubtful; because the brigands would still have been permitted to choose between the ransom and the safe-conduct which had been proposed to them, or in the opposite case their destruction was inevitable. But the investment of the village could not possibly be effected, as we did not have the necessary length of time. The Government decided to take this measure on the 8th of the month, and its resolution was communicated to me on the day following, while I was still at Marcopoulo, which is five hours distant from Salessi, where the two companies of soldiers were quartered. So I had to lose a great deal of time in journeys; further, M. Liacopoulo was at Schimatari, which is three hours distant from Salessi, which again is two hours and a-half off Oropos; so that with the greatest possible expedition, the investment could scarcely have been effected before evening. It would have been a much surer plan if the armed force could have approached the village during the night from different sides, and made their appearance on the morning of the 11th day of the month at all the favourable positions. During the day they would have had time to render the investment complete.

As the investment was impossible, owing to the flight of the brigands, pursuit became necessary, in conformity with the orders of the Government; but, while we pressed on, the obstacles which the passage of the river threw in our way, unfortunately retarded the progress of the troops, while on the contrary they favoured the flight of the brigands. But in spite of all these difficulties, the destruction of the brigands would have been certain, and the safety of the prisoners, or of some of them, probable, if Delium had been occupied by the troops.

The melancholy death of foreigners so distinguished is without doubt a great misfortune. So every one considers it, and all regard it with the most painful regret. As they had the misfortune to fall into the hands of bandits whose cruelty is only equal to their wickedness, and as all the circumstances I have related were so much against them, their safety was impossible. The customs of the brigands, in similar cases, as regards their prisoners are well known. The unhappy prisoners were threatened with death every day, and every moment, when I was at Oropos, this threat was repeated to them.

If the band of the Arvanitis has not been completely annihilated, at all events it has suffered considerably, for it has lost Christo Arvanitis, who was the real leader of the band,

as being bolder and more cunning than his brother Tacos. The others, too, who were killed or taken were the most formidable. The destruction of these malefactors has given courage to the depressed inhabitants, and will contribute to inspire them with a firm confidence in the power of the laws and of the Government.

Yours, &c.
(Signed) B. THEAGENIS.

PART IX.

Annex No. 1. ("Greece No. 9," page 4.)

Letter from Brigands to the Ministers of England and Italy.

[See page 1.]

Annex No. 2. ("Greece No. 9," page 4.)

THE English and Italian Ministers have received your communication.

There will be no difficulty with regard to the payment of the money. You must not insist on an amnesty, which the Greek Government has not the power to accord.

Persons are sent to negotiate with you. In the meanwhile, the King as well as the President of the Council have assured the English Ministry that you shall be in no way molested.

Do what you can for your prisoners; you may even, without fear, put them under shelter in some rural dwelling.

Annex No. 3. ("Greece No. 9," page 4.)

His Majesty's Minister at Athens to the Greek Minister for Foreign Affairs.

M. le Ministre,

Athens, April 13, 1870.

THE day before yesterday, about 4 o'clock in the afternoon, at twelve miles from Athens, Count Boyl, First Secretary of the Italian Legation, returning from Marathon, where he had been since morning with several English ladies and gentlemen, was taken by brigands in spite of the escort of four mounted soldiers furnished by the military authorities of Athens, who had been forewarned. This fact, very important in itself, assumes graver proportions, both from the official position of the person in question, and from the following consideration:—

It is really inconceivable that a numerous band of brigands should have penetrated into Attica, and should have encamped so near the capital, probably awaiting information, to surprise travellers, without any of the police or the Government authorities becoming acquainted with it.

The Greek Government, besides, at different intervals, and very recently, gave the most positive assurances that there was the most complete security in Attica.

Under these circumstances, which denote an absolute want of watchfulness, it is my duty, in the interest of an Italian subject possessing a diplomatic position, to render the Greek Government responsible for all the consequences of every kind which may arise from this act of brigandage.

I do not doubt but that under such circumstances the Greek Government will take such measures as may satisfy the Italian Government.

I am, &c.
(Signed) DELLA MINERVA.

Annex No. 1. ("Greece No. 9," page 8.)

M. Zaïmis to Lieutenant-Colonel Théagéais.

[See page 1.]

Annex No. 2. ("Greece No. 9," page 8.)

Lieutenant-Colonel Théagénis to M. Zaïmis, April $\frac{8}{20}$, 1870.

[See page 3.]

Annex No. 3. ("Greece No. 9," page 9.)

Telegraphic Despatches.

Mr. Erskine, Athens.

Chalcis, April 21, 1.40 P.M.

THE brigands this evening at Sykamenos, a quarter of an hour from Oropos Detachment must not pursue. The brigands will consent. Answer.

(Signed) NOEL.

Athens, the same day, 3.30 P.M.

THE Government consents not to disturb them at Sykamenos. Go to Oropos with "l'Affroessa," and treat for their embarkation on board an English man-of-war.

(Signed) ERSKINE.

Mr. Erskine, Athens.

Chalcis, the same day, 5 P.M.

HAVE just received your despatch, and set out for Oropos.

(Signed) NOEL.

Annex. ("Greece No. 9," page 11.)

The Greek Minister for Foreign Affairs to Her Majesty's Minister at Athens, April $\frac{10}{22}$, 1870.

[See page 4.]

Annexes. ("Greece No. 9," page 11.)

Telegraphic Despatches.

To the Minister of the Interior.

Yerali, April 9, 1870, 10.30 P.M.

THE band of the Arvaniti, pursued beyond the district of Peræa, has entered the district under our administration. The force under our orders, accompanied by citizens, has come up from various quarters, and having rallied, has continued the pursuit. Three brigands have been killed; six who have been wounded have hidden themselves, because the pursuit, which continued till 8 o'clock in the evening, did not allow us to turn our attention to their discovery. The escaped brigands are twelve in number, some of whom are wounded. Colonel Théagénis and Captain Apostolides also joined in the pursuit. We do not know where they are now, to communicate with them. We transmit to you this information directly. Three of the prisoners have been unhappily killed by the brigands. One of them had been killed before the pursuit began.

(Signed) The Eparch MEGAPANOS.
Captain LIACOPOULO.
Lieutenant A. SOUZO.

To the Minister of the Interior.

Schimatari, April 10, 1870, 10 A.M.

AFTER our telegram of yesterday evening, we found the following brigands dead:—

Christo Arvaniti, the Chief, Tzakanika, Zioma, Jean Verphani, Elie Stathakis, Katarachias, and Yeroyanni.

Alexis, of Chimara, has been taken prisoner and sent on board the steamer. There are nine brigands in all saved out of the twenty-one that they mustered. This morning the army, accompanied by some citizens, occupied itself with the discovery of the wounded and the other survivors.

(Signed)

Captain LIACOPOULO.
The Eparch MEGAPANOS.
Lieutenant of Gendarmerie KRIKELOPOULO.

To the Minister of Marine.

Chalcis, April 9, 1870, evening.

TO-DAY, at 4 o'clock in the afternoon, while cruising near the coast of the village of Dilessi, we saw the engagement take place between the army and the band of Arvaniti. We stopped and sent our boats on shore. The armed sailors landed, with Lieutenant Zacas and Commissary Patras at their head. After having advanced into the wood, they unhappily found the Secretary of the English Legation lying killed by the sword, and a little further on, about 400 yards off, they found the Secretary of the Italian Legation* killed in the same manner. We have taken the bodies of these gentlemen on board. The soldiers have also brought us on board a wounded brigand, called Alexis B. Tsoumis, a native of Chimara. I saw the young Englishman running with the brigands. Their dragoman has escaped. Christo, the brother of the Chief of the brigands, is dead, besides three others of the band. That is all we know at present. Colonel Théagénis has ordered us to take the bodies to the Piræus. We await orders from the Ministry to this effect, as we intend early to-morrow to visit the scene of the combat, in the hope of finding some more of the killed and wounded.

The Commander of the "Affroessa,"

(Signed) E. KYTTARIS.

To the President of the Ministerial Council.

AN action having taken place to-day at half-past 4 in the afternoon till 7 o'clock in the evening between the public force and the band of the Arvaniti, we have found four brigands killed, and amongst whom were Christo Arvaniti and Alexis Tsoumis, of Chimara, wounded. We have also found dead two of the prisoners, whose bodies have been carried to the "Affroessa," on board of which the wounded brigand has also been taken. As the action lasted till nightfall, we do not know what has become of the other prisoners and the remainder of the brigands. The prisoners killed are the Secretaries of the British and Italian Legations.* The dragoman Alexander saved himself by flight.

The Demarch of Perea,

(Signed) ECONOMIDES.

Annex No. 1. ("Greece No. 9," page 16.)

Report by Lieutenant-Colonel Théagénis.

TO-DAY, at an early hour, according to the orders of the Government, I went to the village of Salessi, in order to arrange with Captains Apostolides and Liacopoulos the measures which we were to take for surrounding the village of Oropos. With this object, and after having taken the opinion of M. Apostolides, I instructed M. Liacopoulos to come with the armed force under his orders.

We hoped to be able to surround Oropos before the departure of the brigands, for we thought that they would have undertaken their departure during the night. But, contrary to our expectation, the brigands began to prepare to depart about 2 o'clock in the afternoon. As soon as I was informed of this by a man, named Stavro Liati, an inhabitant of Salessi, whom I had expressly sent, I counterordered my former despatch to M. Liacopoulos, since the circumstances were altered; and I invited him to post his soldiers in the neighbourhood of Sycamino, where the brigands intended to pass. In the meantime, I and M. Apostolides, with all the armed force that was with us, we marched upon Oropos. But while on our way, we learnt from some villagers of Sycamino that the brigands of Oropos had just been seen near their village, after having crossed the River Asopo; and, in consequence of this information, we were obliged to change our plan, and to direct our steps also towards Sycamino, with the intention of surrounding there the brigand band. However, the River Asopo, which, in consequence of the late rains, had risen, presented such obstacles to the passage of the soldiers that it was with difficulty that even the cavalry could cross it. This delay allowed the brigands to gain ground by running towards Dilessi; the soldiers pursued them, without, however, coming to an engagement with them, owing to the distance which separated them: they only heard occasional shots fired by the brigands. On leaving Sycamino, the brigands had carried away with them several villagers, and some shepherds; they also led away on foot the unfortunate prisoners. It seems that it was their plan to protect themselves, by exposing these men to the fire of the soldiers. But the villagers, as well as the shepherds, were not long before they escaped, and there only remained the prisoners, who were dragged along by force. As they approached Dilessi, and the prisoners, overcome by fatigue, could no longer follow, the brigands first of all killed the Secretaries of the Italian and English Legations, then the lawyer of the Railway Company, and a little later the young Englishman.

* It was known later that this was the body of Mr. Lloyd.

The soldiers, exasperated by these massacres, fired at the brigands, and killed the Chief, Christo Arvaniti, and the brigands Yeroyanni, Elie Stathaki, Verphani, Tzakanica, Katarakia, Sotiri Zioma; and they wounded Alexi Chimarioti, who has been made prisoner. These are not, however, the only ones. There are others who could not be found, because a minute search could not be made. This is to be presumed from the number of those who are still pursued, who are not more than nine, according to the latest intelligence. However this may be, the band of the Arvanitei has suffered severely, since it has lost Christo Arvaniti, and the most distinguished of his partizans. If the anonymous information which was given to me, and which I telegraphed to the Government, about the death of Tako Arvaniti, should be verified, one might reasonably look upon this band as entirely destroyed.

The death of the four distinguished foreigners is certainly a great misfortune, but their deliverance was not possible if one takes into consideration the fact that one had to do with wild beasts, in dealing with whom all our efforts were certain to fail.

Of the three bodies which the steamer was to bring back, they were only able to find two; the third, which has been found to-day, will be buried here with the other one.

All the exhortations and commands given to the soldiers to preserve the lives of the prisoners were in vain, owing to the ferocity of these miscreants, who had decided beforehand on their death.

While the brigands appeared to a certain extent quiet and hopeful at Oropos, the appearance of the steam-ship excited their fears and suspicions, and hastened their departure at an unusual hour, as is seen by the annexed letter, and caused the failure of our plan of investing Oropos.

Yours, &c.
(Signed) B. THEAGENIS.

Annex No. 3. ("Greece No. 9," page 17.)

Instructions to M. Theagenis.

M. Théagenis,

Athens, April 18, 1870.

YOU know the unfortunate issue of the capture of two Secretaries of Legation and other travellers. The Ministers of England and Italy have demanded that all pursuit should cease against the Arvanitéi, and the Government found itself compelled to consent as long as the captives should remain in the neighbourhood of Athens. However, instead of remaining at Keramidi, the Arvanitéi have gone away from the capital, taking their prisoners with them, and directed their course towards Oropos. Emissaries sent to the Arvanitéi have repeatedly declared and explained to them that the Government cannot grant them an amnesty, as the Charter of the Constitution does not recognize this right as belonging to them. The Arvanitéi, nevertheless, persist in their demands that the ransom should be paid to them, and that the benefit of an amnesty should be accorded to them all the same.

Trusting in your ability, we beg you, therefore, to go to Oropos, and to give to these men the following assurances and explanations:—

Firstly, that, according to the information that has been furnished to us by the parties interested, the ransom for their payment is held at their disposal, and that they can take it and leave the Grecian territory, either by land, or even by sea by embarking on board an English man-of-war, if it can be done;

Secondly, that it is impossible to grant them an amnesty;

Thirdly, that they had better take care that not the slightest harm befalls any of the prisoners, even to the hurting of the finger-nail of any one of them; otherwise the Government will treat them with the utmost rigour of the law;

Fourthly, that they must not under any pretence go away from Oropos, in order that the prisoners may easily communicate with their respective Ministers; that if the band left Oropos, the Government would consider itself released from the promise made to the foreign Ministers to suspend all-pursuit against the Arvanitéi.

For the rest, we leave everything to your prudence and ability.

(Signed)

TH. A. ZAIMIS.
TH. P. DELYANNI.
S. VALAORITY.
A. D. AVIERINOS.
G. TOMBASI.
D. SARAVAS.
S. SOUTZO.

Annex No. 1. ("Greece No. 9," page 18.)

Lieutenant-Colonel Théagénis to M. Zaïmis, April $\frac{11}{13}$, 1870.

[See page 5.]

Annex No. 2. ("Greece No. 9," page 19.)

M. Yanon to MM. Demetrius and Christo, April $\frac{6}{18}$, 1870.

[See page 5.]

Annex No. 3. ("Greece No. 9," page 19.)

M. Kolliote to M. Panaghi, February $\frac{15}{17}$, 1870.

[See page 5.]

Inclosure 1 in No. 2. ("Greece No. 9," page 20.)

M. Zaïmis to Mr. Erskine.

Dear Minister,

*Athens, April 23,
May 6, 1870.*

IN the despatch which you addressed on the $\frac{4}{16}$ th April to Lord Clarendon, and which forms part of the correspondence laid on the table by Her Britannic Majesty's Minister for Foreign Affairs concerning the sad events that have recently taken place at Oropos, I have just read the following sentence:—

"M. Zaïmis believes that during the night some persons sent from Athens by some of the leading members of the Opposition, to advise the brigands to persist in demanding the amnesty, not only for themselves, but even for their comrades, who are at present actually in prison."

What I remember is, that after the return of the emissaries sent by the Government to the brigands, I told you during our conversation respecting the result of their mission, that, according to information they had received, other emissaries sent by some persons, who, in a spirit of opposition, wanted to throw obstacles in the way of the Government, also went to the brigands to advise them to insist on the amnesty themselves, and for their comrades in prison. I did not name the leading members of the Opposition, nor did I make any allusion to any of them.

Your perfect sincerity and truth will, I am sure, lead you to repair this misunderstanding.

Yours, &c.

(Signed) TH. A. ZAÏMIS.

Inclosure 2 in No. 2. ("Greece No. 9," page 20.)

Mr. Erskine to M. Zaïmis.

Dear M. Zaïmis,

*Athens, April 24,
May 6, 1870.*

IN answer to the letter addressed to me by your Excellency yesterday, I have no hesitation in assuring you that in the despatch to which it draws my attention I had no wish to allude to the actual leaders of the Opposition, and I agree entirely with your Excellency that such was not the meaning of the communication.

For those who are acquainted with the shades of difference in the English language, there can be no doubt that the words "by some of the leading members of the Opposition," do not, properly speaking, indicate the leaders at all. An Englishman, wishing to designate Mr. Disraeli, would certainly not say "a leading member of the Opposition," but rather, "the leader," or "a leader of the Opposition."

This distinction, however, is so clear that Lord Clarendon, in a despatch which I am directed to communicate to you, makes use of the expression, "certain leading politicians"

at Athens," which perfectly points out the shade of difference which I have endeavoured to make clear.

I am, &c.
(Signed) E. M. ERSKINE.

PART X.

Inclosure 2 in No. 7. ("Greece No. 10," page 4.)

M. Valaority to Mr. Erskine,

Sir,

Athens, April 30, May 12, 1870.

THE Ministry of Justice, to which I hastened to communicate the request which you did me the honour to write to me on ^{April 27} May 9, has just sent me the following answer:—

According to the terms of the law, a criminal examination is essentially secret, and it is held in the presence of the person who examines, of the examining magistrate, and of the registrar, to the exclusion of every one else. This prohibition is so absolute that the law does not even permit the prosecutor to take any part in the business of the examination. The presence of another witness is only authorized, by way of exception, in the case when it is necessary to confront such witness with another (Articles 72, 126, and 303 of the Code of Criminal Examination). My colleague at the Department of Justice regrets, in conclusion, that the terms of the law do not admit of you, or Mr. Watson, in accordance with the instructions received by you from Lord Clarendon, being present at the examination of the prisoners, or of the other individuals who find themselves implicated in the atrocious crime of the murder of three Englishmen near Oropos.

Pray accept, &c.
(Signed) SPIRIDION VALAORITY.

PART XI.

Annex No. 2. ("Greece No. 11," page 2.)

Lieutenant-Colonel Théagénis to Captain Apostolides.

My dear M. Apostolides,

Marcopoulo, April 7, 1870, 7:30 P.M.

A MAN whom I had sent to the Arvaniti, and who has just returned, has informed me that they have gone to Oropos with their prisoners, and have established their quarters in three houses of this village, one of which belongs to M. Scourlanioti. It is from there that they have expressed their wish to see me to-morrow morning, for, later, they will very likely change their quarters. The frequent changes of quarters of these men point out their anxiety and fear. Perhaps, also, these changes are to be attributed to their wish not to press too severely on the inhabitants of one district.

However, follow your instructions with as much haste as possible, and perform the duty that has been intrusted to you without losing a moment; act in concert with Captain Liacopoulo.

I shall go to-morrow morning to Scala, near Oropos. My compliments to you and our friend M. Krikelopoulo.

Your, &c.
(Signed) THEAGENIS.

Annex No. 3. ("Greece No. 11," page 2.)

Lieutenant-Colonel Théagénis to M. Zaïmis.

Mr. President,

Marcopoulo, April 7, 1870, 9 P.M.

ON my arrival here I sent a man to the Arvaniti to communicate to them my arrival and my mission, and to propose to them an interview for to-morrow. My messenger returned, but very late, as he did not find the brigands in the huts of the shepherd Jean Paghina, but at the village of Oropos, whither they have moved, and where they have taken possession of three houses, the best ones.

They answered that I ought to go to Oropos in the night, or at the latest in the morning, to confer with them; that if I delayed in setting out, I should very likely not find them there; that, in any case, they would leave a man there to conduct me to them.

The rain fell unceasingly, and the swollen state of the Asopus threw an obstacle in the way of the brigands directing their course to Sykamenos or Delium, if such was, as was said, their design.

To-morrow morning I shall go to Scala, near Oropos, to meet the brother of the Arvaniti, who has come there by order of the Prefect of the Eubœa, and at the request of Mr. Erskine, as I am informed by the employé who accompanies this brother of the Arvaniti. It is by his mediation that I hope to come to a better understanding with them on the subject of our interview.

I have sent an express to Captain Apostolides, who has passed the night at Capandriti, to beg him to make all haste to occupy the position assigned to him.

To-morrow I will communicate to you everything that may have taken place.

Your, &c.

(Signed) THEAGENIS.

Annex No. 4. ("Greece No. 11," page 3.)

Captain Apostolides to Lieutenant-Colonel Théagénis.

Sir,

Capandriti, April $\frac{8}{26}$, 1870, 6.15 A.M.

I RECEIVED your letter three hours ago. One of the companies under my command immediately set out *en route* for Salessi.

At this very moment I, in my turn, am setting out with the rest of the troops. Make your preparations, and then give your orders to effect our junction.

Your, &c.

(Signed) S. APOSTOLIDES.

Annex No. 5. ("Greece No. 11," page 3.)

Lieutenant-Colonel Théagénis to M. Zaïmis.

Mr. President,

Marcopoulo, April $\frac{9}{21}$, 1870, 4 A.M.

YESTERDAY, on my return from Oropos, I communicated to you briefly the result of my conversation with the brigands, and I sent my letter, together with those of the prisoners, to Mr. Erskine, by two gendarmes, who set out for Athens at a quarter past 6 in the evening. But I have been much annoyed to hear from the men who brought me the orders, dated yesterday, of the Council of Ministers, that they had not met these gendarmes on the road; and that makes me suspect that they have halted in some village and slept there.

I have read with attention the orders addressed to me by Government, under date of yesterday, and I think it my duty respectfully to submit to them, through your agency, the following observation:—

For Oropos to be properly invested 300 men at least are required, quite ready and capable of occupying, in a single night and at a moment's notice, all the positions all the time without abandoning the further line of occupation already decided on. Now we have not a sufficient force at our disposal for that. Apostolides with his men will find it all he can do to guard Salessi and the surrounding positions as far as the shore. To attempt an enterprize of this description and fail in carrying it out would be to facilitate the flight of the band, and expose the lives of the prisoners.

I go to-day to Salessi to concert measures with Captain Apostolides. I shall endeavour to have an interview with Captain Liacopoulo also, that I may equally act in concert with him, and that we three, between us, may discover the best means of insuring the execution of the measure decided on. After that I will keep you well informed as to everything that may ultimately happen.

Your, &c.

(Signed) THEAGENIS.

Annex No. 6. ("Greece No. 11," page 4.)

M. Œconomides to Lieutenant-Colonel Théagenis.

Sir,

Scala, April $\frac{9}{11}$, 1870.

THIS morning very early I received a letter dated from Oropos; it is from a young Englishman of the name of Noel, who had yesterday evening again written to me to send another communication to the Commandant of the steam-ship of war, and to tell him also not to effect any disembarkment of troops, if he had any on board, because in that case the prisoners would find themselves exposed to imminent danger, which he, the Commandant, would have to account for afterwards. He wrote in the same sense to the captain himself, adding at the same time that he had had the greatest difficulty in dissuading the brigands from flight from the very instant when they suspected that he had troops on board the steamer.

Further, he begged the Commandant to let him know if, on his leaving for Chalcis, he would take him himself on board his ship.

In answer to Mr. Noel's letter we have stated that there is not a single soldier on board, and that the steamer, which was cruising in the gulf, had been forced by bad weather to seek shelter in this roadstead.

The Commandant has told me to write to you and ask you if you wish any telegraphic despatch to be forwarded from Chalcis, where the steamer will touch for this purpose. If you do send us your despatch I will go also to Chalcis, and will take all the necessary steps to the effect that we may receive an answer in the space of six hours. In six hours we shall return from Chalcis with the steamer, and will bring the answer to your telegram.

Be so good as to forward your answer by mounted messengers if possible, as the steamer will leave directly the young Noel arrives from Oropos.

Your, &c.

(Signed) G. ŒCONOMIDES.

Annex No. 7. ("Greece No. 11," page 4.)

The Greek Ministers to Lieutenant-Colonel Théagenis.

Sir,

Athens, April $\frac{9}{11}$, 1870.

THE Mayor of Peræa has telegraphed from Chalcis that the Arvaniti are *en route* for Sykamino, and that, according to information furnished by Mr. Noel, they will possibly place themselves under the protection of the English flag. Mr. Erskine, the English Minister, has telegraphed to Mr. Noel to go to Oropos, and enter into negotiations with the Arvaniti with respect to this design, which they possibly entertain.

In communicating to you these details, we beg that you will remain where you are until the termination of this unhappy affair. At the same time we transmit to you the following orders:—

If the brigands move to the village of Sykamino you will not attack them, as there is some hope of coming to an understanding with them.

You will concentrate at Sykamino all the detachments under the orders of Captains Liacopoulo, Apostolides, and Ladopoulo; you will invest this village narrowly, and in close proximity to it, to prevent any of the brigands escaping from it; and if they should try to escape, you will attack them. We need not tell you that, before ordering the attack, you will renew to the Arvaniti the offers of which you have been already informed by our previous instructions.

(Signed)

TH. A. ZAIMIS.
CH. SOUTZO.
A. D. AVIERINOS.
G. TOMBAZIS.
D. SARAVAS.
S. VALAORITIS.

N.B.—This despatch was sent out on April $\frac{9}{11}$, towards evening, and did not reach its destination till after the events.

Annex No. 8. ("Greece No. 11," page 5.)

Lieutenant-Colonel Théagénis to M. Zaïmis.

Mr. President,

Schimatari, April 10, 1870.

OUR fears have, unhappily, been realized. All our efforts to save the unfortunate captives have fallen to the ground before the ferocity of the malefactors. After the murder of the prisoners, and the shots fired by the brigands, orders and exhortations were no longer sufficient to restrain the soldiers. It is to be regretted that at least the complete destruction of the band could not be effected. However, the brigands who have fallen were the most formidable members of it (except, however, Tako Arvaniti, who was supposed, by mistake, to have been recognized among the dead, and who was, unfortunately, not among them). If Delium had been occupied by the troops sent from Chalcis, the result would probably have been different, for in this way the retreat of the bandits would have been cut off. The detachment posted at Delium, by Liacopoulo, scarcely knew how to take advantage of their position. The pursuit must be continued, but with more vigour, so as not to give the band time to form again, and to effect the destruction of the survivors, who are already disconcerted and discouraged.

I think that my presence here is no longer necessary, and I beg you to regard my extraordinary mission as terminated.

I am, &c.

(Signed) THEAGENIS.

Annex No. 9. ("Greece No. 11," page 5.)

Lieutenant-Colonel Théagénis to M. Zaïmis.

Mr. President,

Delium, April 12, 1870.

ON the receipt of your telegraphic despatch concerning the transport of the two bodies, I came here immediately, but the two bodies had already been transported to Athens the day before yesterday.

Towards evening Lord Muncaster's secretary also came to fetch the bodies, and he is going to return by the steamer on which they have been embarked, and which arrived this morning at 5 o'clock.

The coffins in which the bodies have been laid are unfortunately of bad construction, owing to the want of good material; it is even with great difficulty that Sub-Prefect Mégapanos was able to procure what has served for their construction.

The captured brigand who formed the subject of my telegram of yesterday is called Photis Œconomos; he is a native of the village of Mikra Kanghena, which is situate in the Ottoman territory.

Your, &c.

(Signed) THEAGENIS.

Annex No. 10. ("Greece No. 11," page 5.)

Lieutenant-Colonel Théagénis to M. Zaïmis.

Mr. President,

Salessi, April 12, 1870.

THE surviving brigands of the band of the Arvaniti, who have just been joined by two more comrades (for instead of twelve, fourteen have been seen), approached, on the night of the day before yesterday, the village of Liatani (district of Tanagre), and sent off a shepherd to an inhabitant whom I know, and who is trustworthy, to ask him for fourteen okes of flour. This peasant, while he gave the flour asked for, hastened to communicate this news to the Mayor, and, through him, to Captain Liacopoulo. The latter set out for Liatani yesterday, and to-day he marched upon Scourtanochori to hunt out the bandits and communicate immediately with me, to enable me to make all haste to effect a junction with him and Captain Apostolides, who has held his men in readiness since yesterday.

To-day, after the embarkation of the two bodies on board the State steamer, I quitted Delium to go to Liatani. There, after having an interview with the villager of whom I spoke above, I learnt that the brigands had directed their course towards the village of

Crora and its environs, where they have friends, among the shepherds ; they have lost their cloaks, and are deeply dispirited and discouraged.

If we discover them in the pursuit we are going to make, their destruction, considering the pitiable state to which they are reduced, is, so to speak, certain.

The people, who appeared terror-stricken after what had taken place at Oropos, have begun to recover their spirit since they have seen how many of the brigands have been killed during the few last days. If the survivors of this infamous band are exterminated in their turn, the peasants will be still more reassured, and the existence of brigandage will become for the future more difficult.

In crossing the Asopus, on the 21st of this month, my horse, just at the moment of reaching the bank, stuck fast in the mire ; in trying to disengage itself, he nearly unhorsed me, and I struck heavily against the pommel of the saddle on the left side. The pain which I felt from it was at first not very acute, but shortly afterwards, owing to fatigue and the non-application of leeches to the part bruised, it could not be more intense. I fear, therefore, that I shall not be able to take part in the pursuit in question.

The necklace given by Lady Muncaster to Christo Arvanitaki, the Chief of the band, has been recovered, and I have begged Captain Apostolides to cause it to be returned to that lady through your agency.

I saw the captured brigand to-day, and put various questions to him ; he would make no admissions. He has received two wounds, one of which is dangerous.

I have, &c.

(Signed) THEAGENIS.

P.S.—Among the brigands who are in retreat, there is one who is a native of the village of Vilia. This man is wounded in the leg, as the man who has seen the survivors of the decimated band affirms.

That two more comrades should have joined them is inconceivable, especially after the loss they have lately sustained.

Annex. ("Greece No. 11," page 8.)

To the President of the Council of Ministers.

Athens, April $\frac{9}{21}$, 1870.

ON the questions on which I have been asked to give my opinion, and which are as follows :—

1. Is it possible to convene a Court of Assize at Oropos ?
2. Would it be possible for the brigands who are there to be judged, after the hearing of both parties, by the Court of Assize, although they remain in arms and keep at a distance ?

In conclusion, can these brigands, if condemned in default and sentenced by some Court of Assize, be afterwards pardoned ?

On these questions, I say, I have the honour to give my opinion in writing, just as I delivered it, *visà voce*, before the Council of Ministers.

1. According to the terms of Article 410, paragraph 2, of the Code of Criminal Examination, the Government can, for important motives, convene a Court of Assize in any place they may think convenient, providing only that in this place there is everything necessary for the performance of the functions of the Court of Assize, that is to say, a safe place where the accused can be transferred and guarded up to the day of the sitting of the Court, a locality to a certain extent adapted to the requirements of the Court which should sit there, and, above all, a population large enough, consisting of those who, according to the terms of the law, are qualified to perform the functions of jurymen, to be able to furnish as many persons as are requisite to complete, if necessary, the number required by ordinary and supplementary juries, in accordance with Article 63 of the Law on the Organization of the Courts and Tribunals. Now, I do not think it possible to find all those requisites in the village in question.

2. The brigands could not have sentence passed on them, after the hearing of both sides, by a Court of Assize, as long as they remained under arms and kept themselves at a certain distance from the Court, since one of the most essential acts of the preliminary examination in a criminal cause is the precautionary imprisonment of the accused (Articles 207 and 216, paragraph 1, of the Code of Criminal Examination), and that, on coming into Court, the accused persons should not, it is true, be loaded with chains, but nevertheless, be kept under a guard of soldiers. The Articles 374 and 422, *in fine*, of the Code of Criminal Examination, are precise on this point. Hence it is incontestable that

the accused persons should be not only without arms, but even under the hand and at the entire disposition of criminal justice.

3. The brigands in question could certainly be sentenced in default, and condemned by no matter which Court of Assize; but persons sentenced in default could not be pardoned, because, in the first place, any one who draws upon himself sentence in default by not having given himself up to the appeal of justice, and who, from that time forward, is a "rebel against the law," to use the expression of the French lawyers, is not worthy of the favour of the Sovereign; and, further, because a pardon, unlike an amnesty, which stops all pursuit, has no other effect than to save the person under sentence from the punishment he has incurred, when the sentence passed on him has become definite and irrevocable. Now, a sentence passed in default does not become so till the expiration of the delay fixed by the limitation, namely, twenty years from the day on which it was passed. The reason is that if, before the expiration of the term of twenty years, the person judged in default has given himself up voluntarily, or has been able to be arrested, he is, as a matter of plain right, tried by jury, hearing being granted to both sides (Article 470 of the Code of Criminal Examination). The French laws agree, on this point, with our legislation. (See Bonneville, page 127; Morin, "Dictionnaire Criminel," *in verbo* "Grâce;" and Dalloz, "Répertoire," at the same word "Grâce," page 19.)

As regards the amnesty, I consider all applications useless in the face of Article 29 of the Constitution, which says, in explicit terms, that "the King cannot grant an amnesty, except in the case of political crimes."

The Attorney-General of the Aréopagus (Court of Appeal),
(Signed) C. PRIVILEGIO.

Annex. ("Greece No. 11," page 9.)

Letter of M. Soutzo.

To the Editor of the "Siècle."

IN consequence of the tragic event of the 9th_{21st} April, which we all deplore, I have thought it necessary to resign my functions as Minister of War; I have done this, not because I thought myself alone responsible for every blow struck against public security, but because I wished to present myself, free from all obligation, before public opinion, with the confidence inspired by the facts, by my own duty, and, in fact, the interest of the country at large.

The question of public security is one that belongs to the police, both to its administrative and to its judiciary departments; it belongs, also, to the armed force. I have not to speak of the first of these two points, which was not within my province. With regard to the army, and the functions which it performs in the actual state of our society, it is my duty to call attention to the fact that every one expects everything of the army. It is to the little army of Greece that the gathering of the taxes, the guardianship of the prisons, the public order during times of district and departmental elections, and the keeping down of brigandage are intrusted; and although the soldier has, at the present time, to suffer much misery, and is exposed to every kind of danger, to wounds, or to death, he is, nevertheless, called upon to do what is impossible, his co-operation is required for the provinces, the districts, for private persons, and for country establishments. Notwithstanding the number of these requirements, the recruits do not present themselves regularly, and the gaps in the ranks of the army are only with difficulty filled up.

The general wish has been to throw on the Minister of War, especially in all that concerns Attica, the blame of the absence or insufficiency of the armed force; but, according to the official list of the movable force of this province, the result is that this force had been reduced last year to 28 men, while this year it has been raised to 120, and at election times to 80, owing to the necessity of sending some detachments into the Peloponnesus. The patrols, who march round the city, were composed last year of 10 men only; this year they muster 40, without counting the different posts of the gendarmerie.

These figures plainly show that the military force in Attica, far from having been diminished, has been increased; and I think I may add that, whenever any suspicion or pressing necessity arose, the garrison of Athens sent out detachments to the places indicated. These detachments returned to the town directly the object of their mission was carried out, again to resume the laborious service of the army in the capital.

In fact, the daily service of the garrison requires absolutely 201 men. Now, according to the rule of the service, the men on garrison duty ought not to serve more

than one day in five. Thus, to conform strictly with the regulations, the force of the garrison ought to amount to 1,004 men; while, according to the official list of the Commandant of Athens, of the 6th April (before the two companies were sent to Salessi), the 1st regiment mustered 400 men and the 9th 57, the other men of the latter regiment being told off for service with the flying column. Thus our soldiers would only have been able to sleep one night instead of four, which was quite impossible; and we made up this deficiency, however imperfectly, with firemen and artillerymen in despite of the regulations, which assign special posts to these two corps. At all events, in spite of this continual misery and these incessant privations, the army has always shown self-esteem, courage, plenty of devotion to duty, and conduct worthy of all praise.

For the rest, while I was in the Ministry, all the resolutions, all the measures for public security were decided on with one accord with the Minister of the Interior. There has never been a disagreement on any point between the honourable President of the Council and myself, as the following letter testifies, in which he informs me of the acceptance of my resignation:—"I have the honour to communicate to you herewith the Royal Decree by which His Majesty has deigned to accept your resignation, and to express to you his Royal satisfaction at your having taken charge of the War Office during such critical circumstances. In notifying to you this decision of the King, I think it my duty to thank you in particular for the sincere and zealous assistance which you have rendered the Government in the difficult task which it had undertaken."

I pass on to the sad drama which is deplored by the whole of Greece, and which may be divided into two parts—the capture and the murder of the noble hostages.

1. *The Capture.*

The band of the Arvanitëi, we know, set out from the frontier, crossed Phthiotis, was attacked near Livadia and Thebes, and halted in the Megaris. At this news the Government sent fifty men to the Megaris, chosen from the garrison at Athens, to reinforce the detachments of that province. The troops of the Megaris, it is true, did not have the good fortune to fall in with these brigands; but it must be agreed that that is no ground for reproach against the Government, or against the Minister of War in particular.

It is equally true that for several weeks none of the authorities were able to discover their retreat; but is it seriously the fault of the Minister of War if the kingdom of Greece has, if you consider the thing in the right light, no rural police?

However, although the authorities, whose business it was, had given no information of the appearance of the band in Attica, I nevertheless ordered the chief of the gendarmerie to send off a brigadier and ninety-nine gendarmes to visit and search thoroughly the suspected places in Attica, and above all those on the way to Marathon; but this brigadier, after eight days' search, returned the ^{28th March,}_{10th April,} that is to say, forty-eight hours before the affair took place, and stated that he had discovered nothing. In fact, only forty-eight hours passed between the return of the gendarmes, the entrance of the Arvanitëi into Attica, and the affair of the road from Marathon.

The carriage road from Athens to Marathon is about forty-five stades (kilometres) in extent. It is guarded by one post, that of Stavros. From the village of Charvati to Marathon, that is, for a distance of about thirty stades, there is not a single habitation near the road, so that usually the soldiers leave it to frequent the more inhabited places. Whenever they are informed that travellers are passing, these little flying columns come down to the road and accompany the carriages till they reach places where there is no danger to be feared. Besides the escort of these detachments on the road, travellers are always provided with an escort from Athens itself, whenever one is applied for. These applications were usually made to the Ministers for Foreign Affairs, of the Interior, or of War. That has been the method pursued ever since the road from Marathon was finished; that is to say, about thirteen years. It needed a concurrence of deplorable circumstances, coming one after the other, to lead to the capture of the distinguished foreigners. An application for an escort was made to the police; the application was forwarded by the latter to the gendarmerie, who assigned for the escort of the foreigners who were going to Marathon four mounted gendarmes. Besides this, the gendarmerie about 10 o'clock in the evening informed the commanding officer of the detachments of Kephissia that he would have to reconnoitre the road on the next day; but at that hour of the night it was unfortunately impossible to acquaint all the detachments in time, who, from the very nature of their service, are continually changing their position. One must also recognize the fact that the escort of four mounted gendarmes which was given to the unfortunate strangers was insufficient, but all that was done without the knowledge of the Government, as not one of the Ministry had, directly or indirectly, heard anything of the projected

excursion. This, however, we must say, was not the only unfortunate piece of ill-luck in this drama. The excursion we know took place on the morning of the 30th March (old style), the same day on which the band of the Arvanitéi arrived on the Marathon road on their way from the Megaris, which fact is verified by the inquiry. When the band came up to the road in the morning, the carriages had already passed. Meanwhile the travellers went on as far as the Tumulus, where they were rejoined by the detachment of the neighbourhood. Ill-fortune ordained that this detachment should not be able to prevent their capture; it is, in fact, ascertained, that the guide did not transmit to the foreigners any of the advice given by the commanding officer of the detachment. The following is an extract from the examination of this subaltern:—

“I was in the circumscription of Marathon, near the sheep-folds of Macri. We were informed towards midday that some travellers were going to Marathon, and that we were to take charge of their safety. This order had been sent to Sub-Lieutenant Anghelis, commanding officer of the detachment. This officer gave us orders to march; when we arrived at the village of Boy, he ordered Corporal Pierre to go, with three soldiers, and guard the road from Plexiza to Gherocacouli, another corporal with three more soldiers to patrol between Gherocacouli and Rafina, while I, with three soldiers, was to reconnoitre the ground from Rafina to Pikermi. With regard to our officer, he said that he would remain in the rear to follow the carriages with three other men, because he did not know that the foreigners had already arrived at Marathon. While we were directing our march towards the position pointed out to us, we saw the carriages near the Tumulus; we stopped them immediately, two mounted gendarmes rode towards us to see who we were. As soon as we were recognized, I asked them who was at their head; the one named Boulgaris answered that he was. I ordered him to tell the foreigners that it would be well to make their carriages proceed slowly, because we were under orders to accompany them: in the meantime the carriages came up. The interpreter and the coachman then called me up, and one of the foreigners offered me a note for 25 drachmas. I asked the guide why this money was given to me, and he informed me in answer that it was to give the soldiers something to drink. I accepted it. I desired the interpreter to explain to the foreigners that we belonged to the flying column, and that we were under orders to accompany them, and that the carriages ought to be made to proceed at a pace at which we could accompany them. The carriages then started, and went as far as the well, where they halted to water the horses. We remained behind, but rejoined them at the well, where the corporal and I again told the foreigners, through the medium of their interpreter, that we were going to march in front, and that the carriages were to follow us slowly and at some distance. I then set out with seven men besides myself, and the corporal, with three men, remained behind to follow the carriages. Before we reached the stone bridge of Xilokerisa, that is to say, ten or twelve minutes' distance from the well, we were caught up by the carriages, and there again I repeated my injunction to go slowly, because we were not able to keep up with them. Thereupon the gendarmes Panayotti and Athanase Boulgaris said to us, ‘As they do not wish to stop, you are not birds to follow us, who are going on four legs,’ and the carriages began to move on at a trot, while we did our utmost not to allow them to put too great a distance between them and us. When we arrived at the sheepfold of Prapa, we heard two shots, which must have been the last ones, as we did not hear any others. Suspecting that something had happened, we set off to run as hard as we could; in this way we reached the place of attack, where we saw the gendarme Vassilaki wounded, and his horse killed. A corporal also, with four or five soldiers, was also there; having learnt what had just taken place, I took from the corporal two of his men and hastened off in pursuit of the brigands.

“In testimony of which, &c.”

2. *Massacre of the Prisoners.*

I pass on to the execrable crime the object of which was the massacre of the prisoners. The brigands had written at different intervals to the Government, to say, that if troops were sent against them, they would massacre the prisoners. Knowing, by experience, that it was quite possible that the brigands would carry out these threats, and foreseeing the horror and atrocity of such an act, I laid before the Council of Ministers a proposition which I believed was the only one that could save the unfortunate prisoners. My proposition was, to send a body of troops, who were to have marched at night, and with the greatest secrecy, and who were to have come on the brigands at daybreak, surrounded them closely, and in this manner forced them to submit themselves to the orders of Government. This plan was to have been put into execution while the brigands, with their hostages, were still at Oropos. The topographical situation of this village will

convince all who are acquainted with it that my plan could not meet with any great difficulties. During the deliberation I was asked, who would take upon himself the execution of this attempt; and I answered, without hesitation, Myself.

The enterprise, which I in this way undertook, had every chance of success. Unfortunately, the next day another plan was resolved upon, which had been communicated to some other persons, whose opinion and convictions ought to carry, as all must agree, the greatest weight in this question. This plan consisted in sending forward reconnoitring troops, with orders to prevent the brigands going away with their hostages. But the brigands had begun their retreat; and having seen the troops from a distance, had fallen, like wild beasts, on these unfortunate foreigners; and it is in this way that this unheard-of crime reached its consummation.

In bringing to an end the recital of this execrable drama, I must add, that by yielding to the sentiment which made me resign my place in the Ministry, I wished in this way to give up the portfolio of war, and not wait for the Legislative Session to give an account of my conduct; I wished, on the contrary, to return to private life, and tell the public, in all sincerity, that far from neglecting my duties, I offered myself, at the peril of my own life, to save the precious lives of the hostages.

That is what my own conscience has told me. As for the insults and the calumnies with which they have tried, by working on the general indignation produced by this crime, to stain my life, and embitter my existence, to them I make no reply; I do not leave this care even to my friends; I shall leave the matter to the decision of my enemies.

(Signed) SOUTZO.

PART XII.

Inclosure 2 in No. 4. ("Greece No. 12," page 4.)

M. Valaority to Mr. Erskine.

Sir,

Athens, May ⁶/₁₈, 1870.

I HAVE had the honour of receiving from you the despatch of yesterday's date addressed to me, asking me, by order of your Government, for what reasons M. Avierinos, although, according to his letter to the Commander of the flying column of Greece, dated ^{30th March}_{12th April}, he suspected that part of the band of the Arvanitis had hid themselves in the district of Marathon between Plexiza, Ierotzicouli, Retzina, as far as Daon, he omitted to take proper measures to prevent the capture of your compatriots.

I hasten to transmit to you, as an inclosure, copy and translation of a letter which M. Avierinos wrote me in reply.

You will learn from it that on the ^{30th March}_{12th April}, towards noon, M. Valavani, Chief of the District, presented, for the signature of M. Avierinos, a despatch addressed to the Commander of the flying column of Attica, by which he was informed that they suspected that part of the band of the Arvanitis had hid themselves in the positions of Plexiza, Ierotzicouli, and Retzina, as far as Daon, and the district of Marathon. This despatch, framed according to the information which Captain Canellos had just furnished to M. Valavani, was immediately signed by M. Avierinos, and was sent as usual, by means of the Commander of the Brigade of Gendarmerie of Attica. But M. Avierinos affirms that he received neither by writing nor by word of mouth any information referring to an excursion of strangers to Marathon or elsewhere. It was not till 8 o'clock in the evening that the Director of Police gave him, in presence of several other persons, the sad news of the capture of these unhappy strangers, and that he learnt that some foreigners of distinction had made an excursion.

Believe, &c.

(Signed) S. VALAORITY.

Inclosure 3 in No. 4. ("Greece No. 12," page 4.)

M. Avierinos to M. Valaority.

Sir,

Athens, May ⁶/₁₈, 1870.

HAVING received Mr. Erskine's letter of yesterday, I write to acquaint you, Sir, with reference to the melancholy event which took place at Dilessi, that on the 30th of the month, towards noon, while I was charged, *ad interim*, with the Ministry of the Interior,

M. Valavani, Chief of the District, submitted to me a despatch addressed to the Commander of the Flying Column of Greece, by which he was informed that it was suspected that a part of the band of the Arvanitis had gone to hide themselves in the positions of Plexiza, Ierotzicouli, Retzina, as far as Daon of the district of Marathon. This despatch, framed according to the information which Captain Canellos had just furnished to M. Valavani, was immediately signed and sent, as usual, by means of the Commander of the brigade of gendarmerie of Attica; but I received from no one, either by writing or by word of mouth, any information with reference to any excursion of strangers to Marathon, or elsewhere. The evening of the same day, towards 8 o'clock, the Director of Police having come to my house, gave me, in the presence of several other persons, the sad news of the capture of the unhappy strangers. It was then that I learnt that foreigners of distinction had gone to make an excursion.

I am, &c.
(Signed) A. AVIERINOS.

Inclosure 1 in No. 6. ("Greece No. 12," page 6.)

Messrs. Saripolos, Axelos, and others to Mr. Erskine.

Sir,

Athens, May $\frac{4}{16}$, 1870.

THE news contained in the foreign journals that the brigands of Pikermi had declared to the envoys of the Greek Government that, before answering them, they had thought it proper to consult three lawyers of Athens, has grievously affected our Bar: Our brother-barristers thought that their honour and the national interest imposed on them the duty of protesting against an imputation as important as it was untrue, and confided to us the expression of their feelings. To fulfil our command, we framed the letter of the 26th April last; but before proceeding further, we thought it advisable to write to M. Zaïmis, President of the Council of Ministers, a letter dated the 29th April, to which he replied to us the next day by a letter which entirely satisfied us, because he affirms that the three citizens whose advice the brigands had desired were not lawyers.

Thinking, Sir, that it is our duty to acquaint your Excellency with the three inclosed letters, we have the honour to inclose the translation of them.

The courtesy which is one of the most characteristic traits of the English nation, and the high esteem which your Excellency has obtained amongst us, are sure guarantees to us that we shall not have addressed your Excellency in vain.

Believe, &c.
(Signed) N. J. SARIPOLOS.
CONSTANTIN AXELOS.
N. DAMASCHINOS.
C. D. ELIPOULOS.
A. BALLANOS.

Inclosure 2 in No. 6. ("Greece No. 12," page 6.)

Messrs. Saripolos, Axelos, and others to M. Zaïmis.

Mr. President,

Athens, April 29, 1870.

THE foreign press, and accordingly ours, makes a statement that the Minister Plenipotentiary of Her Britannic Majesty, Mr. Erskine, in a despatch of the $\frac{4}{16}$ th April last, addressed to Lord Clarendon, the Minister for Foreign Affairs, amongst others, makes the following statement:—"The brigands told the Envoys of M. Zaïmis that they had entire confidence in their advisers, but that they had sent to Athens to consult three advocates of renown, and would come to no decision before receiving the advice of the latter."

A large number of advocates have commissioned us in writing to contradict this accusation. This we have done, Mr. President, by means of the inclosed document, of which we transmit to you a printed copy.

We think, however, that this refutation would be insufficient were we not to demand some explanation, which we hope to receive from you.

The above words of Mr. Erskine could be attributed to you, Mr. President.

To think that the head of the Government of Greece, who, although not exercising the profession of advocate, has belonged to their order for a whole quarter of a century,

and had constant relations with them, has mistaken the character of the advocates of Athens to such a degree that if, by chance, he heard anything of the sort from one of the persons sent by him to the brigands, he accepted it as truth without examining the facts, and communicated it to the Representative of a foreign nation, knowing all the while that the latter would lose no time in communicating it to his Minister?

We have scarcely been able to believe it. We have, therefore, thought it our duty to get information from you on this subject, because in this matter our honour and that of those who have commissioned us, as well as that of the nation, is at stake.

We hope, therefore, Mr. President, that you will think fit to honour us with a prompt response.

(Signed)

N. J. SARIPOLOS.
CONSTANTIN AXELOS.
N. DAMASCHINOS.
A. BALLANOS.
E. D. ELIOPOULOS.

Inclosure 3 in No. 6. ("Greece No. 12," page 7.)

Messrs. Saripolos, Axelos, and others to the Editor of the "Journal des Débats."

Mr. Editor,

Athens, ^{April 28}_{May 8}, 1870.

THE Undersigned have been commissioned by their colleagues [here follows a list of the names of the Advocates] to contradict the news contained in the foreign and national press, to the effect that an official document addressed by the honourable Minister of Her Britannic Majesty at Athens to the Minister of Foreign Affairs, Lord Clarendon, contained the following sentence:—"That in addition to their precautions, the brigands have thought proper to consult three Advocates of renown in Athens, and that they would not come to any decision before knowing the answer of the latter."

Such conduct, if true, would have branded with a perpetual stigma Advocates who have had the honour to exercise their profession for many years. Faithful to our oath, we readily afford the assistance of our services to the sufferers, and to such of the accused who invoke it, because in every civilized community the law, which guarantees a free defence to the accused as a sacred right, imposes it on the Advocate as an honourable duty; but we repudiate with all our might the accusation in question, and we affirm on the honour of all of us that not one of us has ever given his concurrence to or connived at aiding the perpetration of a crime, or sheltering the author of it from the prosecution of the law.

The monstrous crime committed at Pikermis is of such a horrible nature, that as Greeks, and only in our character as Greeks, we consider it as profanation for the soil of our country, hospitable from the earliest times, and we bear the affliction of it in common with the rest of our fellow-citizens. But we should regard as a traitor to our country any one among us who, even in a remote degree and indirectly, should have entered into any relations with such miscreants, and thus exposed our country to universal reprobation.

(Signed)

N. J. SARIPOLOS.
E. D. ELIOPOULOS.
A. BALLANOS.
N. DAMASCHINOS.
CONSTANTIN AXELOS.

Inclosure 4 in No. 6. ("Greece No. 12," page 7.)

M. Zaïmis to Messrs. Saripolos, Axelos and others.

Gentlemen,

Athens, ^{April 30}_{May 12}, 1870.

I HAVE received your letter of the 29th April. In answer, I have the honour to inform you that the report that the brigands asked to consult three advocates of Athens—a report contained, according to the number of the "Journal des Débats" of the $\frac{18}{30}$ th April, in a despatch of Her Britannic Majesty's Minister at Athens—was not furnished by me. The following, I suppose, is the origin of this false report. When the persons sent by Government to persuade the brigands not to insist on the amnesty, returned, they told us that they had been charged by the miscreant Arvanitaki to ask, with regard to the

question as to whether Government could grant the amnesty, the advice of three citizens resident in Athens, whose names and reputation they knew, and who are not advocates. When I informed Mr. Erskine of the names of two of them, the Minister for Foreign Affairs said as follows: "You see, M. le Ministre, the brigands have need of legal advice to believe our statements." In fact one of the citizens, with the full knowledge of Government, and after having come to an understanding with the same, wrote to Takos a letter, in which he assured him that Government had not the right to grant the amnesty. In conclusion, I have to observe to you that you ought to have been convinced that no member of the Government would ever throw the slightest blame on the body of advocates here, who do all honour to their country by their understanding and their independence.

(Signed) TH. A. ZAIMIS.

Inclosure 5 in No. 6. ("Greece No. 12," page 8.)

Mr. Erskine to Messrs. Saripolos, Axelos, and others.

Gentlemen,

Athens, May $\frac{6}{18}$, 1870.

IT is only to-day that I have had the honour of receiving your letter dated the $\frac{4}{16}$ th of this month, which I will make all haste to communicate to my Government.

Permit me, first of all, gentlemen, to assure you that I did not lightly entertain the thought that some advocates belonging to the Bar of Athens, of whom many are personally known to me, and whose distinguished qualities I prize so highly, had been able to become the criminal instruments of a brigand Chief.

In my character of a faithful narrator of all that was passing around me, I thought it my duty to communicate to my Government what had been said to me by the President of the Council.

If afterwards there has been some difference between his recollections and mine, I should never sufficiently regret that the equivocal expression in question has been able momentarily to wound the just susceptibility of the Bar of Athens.

Pray accept, &c.

(Signed) E. M. ERSKINE.

PART XIV.

Inclosure 1 in No. 5. ("Greece No. 14," page 11.)

Indictment of Brigands, extracted from "La Grèce" of May 21, 1870.

THE Chamber of Arraignment of the Court for the trial of Misdemeanours of Athens, composed of the Judges M. Antoniadis, President, Sp. Evlambios, Examining Magistrate, and of Sp. Euclide;

Holden in the Court of Consultation on the 25th of April, 1870, before the Procurator, G. Limberaki, and the Deputy Registrar, B. I. Coconi, to decide, after deliberation, on the following affair:—

The men called,—1, Tacos Arvanitis; 2, Christos Arvanitis; 3, Nicholas Cotzodrakos; 4, Alexios Tzounis or Hormova; 5, Apostolos Caravidas; 6, Nicolas Scaltzopoulos; 7, Nassos Moustaclis, *alias* Tzoumboukis; 8, Nicolas Floros or Tzitzis; 9, Dem. Patzaouraki or Pliasias; 10, Stathis Xephloudos; 11, Démétrius Zarcadas; 12, Séraphim Foussekis, *alias* Scamangouli, *alias* Crissaropoulos; 13, Const. Scantzouris; 14, Peicles Lioris, *alias* Viliotis; 15, Const. Monahos; 16, Photios Iconomo; 17, Athanase Tassou'as; 18, Leonidas Calomiris; 19, Nasos Catzonis; 20, Elie Stathaki; 21, Georges Catarahia; 22, Jean Janaris; 23, Soter Zoma; 24, Jean Phermani; 25, Mitros Tzacania; 26, Soter Arvanitovlakaki; and 27, Mitros Kenourios or Condolemis, have been accused of brigandage, abduction, rape, and murder.

In consequence of this accusation a regular examination was appointed and held, in the course of which were issued,—1, the warrant, registered No. 9; 2, the warrant of arrest, registered No. 7; and 3, the apprehension, registered No. 11, by the Examining Magistrate, A. Ghion. At the close of the examination, the Procurator attached to this Court, having submitted the documents, by his address registered No. 6,901, stated the following facts, gathered from the above-mentioned examination:—

The band of brigands, composed of the Chiefs of the band Tacos and Christos Arvaniteos and N. Coutzodrakos and the brigands Alexis Tzouni, *alias* Hormova, Apostolos Caravida, Nikitas Scaltzópoulos, Nasos Moustacelis, *alias* Tzoumbouki, Nicolas Floros, *alias* Tzitzis, Demos Patzaouraki, *alias* Pliasias, St. Xephloudos, Demetrius Zarcada, Séraphim Phousseki, *alias* Scamangouli, *alias* Crissaropoulos, Const. Scantzouri, Pericles Liori, *alias* Viliotis, Const. Monahos, Photios Iconomou, Athanase Tassoula, Leonidas Calomiris, Nassos Catzonis, Elie Stathaki, George Catarahias, Jean Janaris, Soter Zoma, Jean Phermani, Mitros Tzacanica, Sp. Arvanitovlakaki, and Mitros Kenourio, *alias* Cordolemis, of whom Pericles Lioris and Soter Zoma are Greeks, and the others natives of Agrapha, a province of the Ottoman Empire, entered Phthiotis by the Turkish frontier, towards the beginning of January of the present year, with provisions for five days, and from the mountains of Phthiotis proceeded towards Locris and thence to Livadia, where they were revictualled by the nomad shepherds. In Livadia they were discovered by the flying columns, and were attacked by them at the place called Oros Exarchos or Caramoutza, where the brigand Ath. Tassoulas was wounded and taken prisoner, while the others managed to escape by flight. After three days' marching in different places they fixed their camp at a place called Paralimni, from which place they saw from a distance the detachment of soldiers, and, alarmed at the sight of them, directed their course to Retzona of Thebes; but the detachments, who were following up the tracks of the brigands, caught them up there, and attacked them. The brigands Nicolas Coutzodracos, Mitros Kenourios, *alias* Cordolémis, and Soter Arvanitovlakaki perished in the conflict, while L. Calomiris and Nassos Catzonis were wounded and taken; but the twenty-one other brigands, who managed to escape by flight, took refuge in the mountains, and lay hid in the Megaris; but on being discovered there also by the detachments of soldiers, who were seen by the scouts of the brigands, they departed, hiding now in one place, now in another, on their march through the Megaris and Attica. They arrived on the 28th or 29th of March of the present year in the neighbourhood of the village of Pikermis. On the morning of the 30th they took up their position above the place called Macrohoraphos. Having perceived from this position the passing of two carriages, in which Lord and Lady Muncaster, Vyner, Lloyd, with his wife and daughter, Herbert, and Boyl, the First Secretary of the English and the Second Secretary of the Italian Legation, were being conveyed to Marathon, accompanied by the interpreter Al. Anemoyanni, one of their servants, and four mounted gendarmes, they took up their position near the neighbouring bridge, and on the return of the party from Marathon, presented themselves unexpectedly before them and carried them off, after that the gendarmes who were protecting the foreigners had fired on the brigands; but the latter answered their fire and, having the advantage in numbers, wounded the gendarmes D. Bambalis and P. Vasilakos badly, the latter of whom died on the following day; the other gendarmes, surrounded by the brigands and threatened with death, surrendered. The brigands then seized the abovenamed foreigners and the two gendarmes, whom they disarmed and took in the direction of the heights; but at that moment came up a small flying column of six men, who had previously met the travellers, as they had been met also by a detachment of fifteen men, who, being on foot, could not keep up with the travellers, who were driving. The former immediately opened fire upon the brigands, but were forced to cease firing by the cries of the prisoners. After two hours' walking the brigands let the ladies and the servant go, as well as the gendarmes, and, accompanied by them, the ladies returned to Athens. The brigands, with the others whom they had carried off, wandered about all night in different parts of Pentelicus, and the next day they opened negotiations with the foreigners for their freedom in consideration of a ransom, which was at last unanimously fixed at 25,000*l.* sterling. The next day they let Lord Muncaster go, and sent him to Athens to carry out this agreement. But when this sum was ready, and the said lord informed Vyner of the fact in order that an understanding might be come to with the brigands as to the manner of handing over to them the ransom and setting the prisoners free, the brigands changed their mind and laid claim also to an amnesty, which the prisoners would not only not promise, but refused as contrary to the Constitution, as the interpreter Anemoyanni confesses, and he adds that Herbert, Secretary to the British Legation, looked upon their capture by the brigands as designed by others, as well as the demand for an amnesty, for, according even to Lord Muncaster's deposition, the brigands did not at first lay this down as one of the conditions of release. Then began fresh negotiations between sundry individuals and the brigands who were at Kéramidi, but they led to no result; the brigands, however, having taken the above-named foreigners went to Oropos, and insisted upon their demands, threatening to kill their prisoners in case of a refusal. Two companies of infantry under the command of Captain Apostolides were then despatched, and they reached on the 8th of April of the current year the village of Cacosalessi, where they encamped at a distance of

two hours and a-half from the brigands ; and, unexpected by them, Théagénis, who had been charged with the mission of persuading the brigands to accept the ransom and liberate the foreigners, arrived there on the following day about noon. When he announced that he had been unable to settle anything, it was thought necessary to draw the military detachments near to the brigands' camping-ground, in order to prevent their flight and to facilitate the negotiations which had been begun for the liberation of the prisoners ; with this view they marched upon Oropos, but when half-way they learnt from two peasants that the brigands had left Oropos, and were going in the direction of Sykamenon, with the intention of carrying their prisoners off into Turkey, according to the deposition of Alex. Anemoyanni. This is why the soldiers took another road, and followed the brigands. On arriving near the River Asopus, they were engaged in crossing it, although swollen by the rain, when the brigands took their prisoners and set off in the direction of Dilessi. Some soldiers and troopers having crossed the river, they met Anemoyanni, whom Théagénis ordered to mount a horse and go and overtake the brigands and tell them not to fly, but to return, as had been arranged, to Oropos, to finish the negotiations which had been begun for the liberation of the prisoners, for Anemoyanni declined to walk, saying that the brigands had got more than an hour's start, and that they could not be overtaken on foot, but Anemoyanni refused to obey[*sic*]. The soldiers then followed the traces of the brigands towards Dilessi, and as they were tired by the marches of the two preceding days, only the strongest and most active were able to approach them by marching straight upon Dilessi, while the cavalry followed by side-roads. The soldiers summoned the brigands to release the foreigners, but they continued their flight. Meanwhile they fired several times on the soldiers who were following them. Then two soldiers, who were in advance of the others, saw from a ridge which they had reached that the brigands had begun the massacre of the prisoners, and told the soldiers who were following ; the latter, seized with a furious desire of vengeance against the brigands, fired on them, and in pursuing them they killed in succession the Chief of the band, Christos Arvanitis, and the brigands Elie Stathaki, Soter Zomas, Leon Phermani, and Mitros Tzacania, after having killed, in the first instance, Jean Janari *alias* Gheroyianni and George Catarahia, who slew Herbert before the fight, and they took Al. Tzouni or Hormova, who was wounded, and continued the pursuit till nightfall, when the others, taking advantage of the darkness, got off it is not known in what direction. The next day they found and arrested the brigands Photios Iconomos, Périclés Lioris or Viliotis, and Costas Monahos, who depose that of those who escaped, Takos had been wounded in the head, Apostolos Caraviolas in the neck, and Demos Patzaouraki in the right hand. Two letters were found in the pockets of Christos Arvanitaki and another brigand, the first of which has reference to the act of brigandage related above, and reveals the existence of relations and an understanding between the band of the Arvaniteos and persons (*sic in orig.*).

The murder of the captured foreigners is further established by the confessions of the arrested brigands Al. Tzouni or Hormova, Pericles Liori or Viliotis, Constans Monahos, and Photios Iconomos, who depose that first of all Herbert was killed by the brigands Gheroyianni or Janaris and Catarahia, who accompanied him, because he could not keep up with the brigands, who were moving on rapidly ; they recognized also the blood-stained yatagan of Catarahia, produced before the Court ("déposé") and the blade of which was stained with blood, and declare that this yatagan was used to kill him, and that it was not so stained before ; Lloyd was killed by Elie Stathaki at the beginning of the fight, and afterwards Boyl and Vyner were slain by other brigands whom one cannot yet specify. This is again confirmed by the spot where the bodies of the unfortunate victims were found ; of these Herbert's was first found near the corpses of the brigands Catarahia and Janari, slain by the soldiers the moment after Herbert's massacre ; at about thirty paces from the body of the latter Lloyd's was found, and at the distance of a gun-shot from him that of Vyner ; towards evening they found the body of Boyl. Whence it clearly appears that the aforesaid were killed one after the other, and as they became unable to keep up with the brigands.

From what is recited above it results that sufficient evidence is at hand for the committal of the accused before the Court of Assizes for the culpable acts of which they are accused. The matter having been duly investigated, as regards the authors of the crime, their trial may be separated from that of the accomplices, because in the latter case the investigation is going on, and cannot be in any way prejudiced by the former.

The Procurator has consequently proposed to bring before the Court of Assize assembled in the judicial circumscription of the Court of Appeal of Athens the following persons :—

1, Tacos Arvanitis ; 2, Apostolos Caravidas ; 3, Nikitas Scaltzopoulos ; 4, Nassos Boutzaclis, *alias* Tzoumbroucas ; 5, N. Floros, *alias* Tzitzis ; 6, Démos Patzaouraki, *alias* Pilassis ; 7, Stathis Xephloudos ; 8, Demetrius Zarcada ; 9, Séraphim Phoussekis, *alias*

Scoumangoulis, *alias* Chrissaropoulos ; and 10, Constant. Scantzouris, a convicted felon ; and 11, Alexis B. Tzounis ; 12, Constans Monahos ; 13, Pericles Lioris, *alias* Viliotis ; and 14, Photios Iconomos, all brigands detained before trial to be judged as criminals for having since last year—

I. Assembled and formed a band of brigands, with intent to commit certain crimes, the nature and kind of which are not yet determined, and thus, about the 30th March of the current year, in the place called Pikermi, of Marathon.

1. Being desirous by their own action to take possession of the moveable property of other persons, and unjustly to retain it as their own, they fell upon Lord Muncaster and his wife, on Lloyd, his wife and daughter, on Herbert, Vyner and his servant, on Boyl, and on their escort, P. Vasilakos, D. Bambali, Athanase Bulgaris, and D. Bouyouca, who were journeying on the high road from Athens to Marathon, and armed, and making use of their weapons, they seized from the above-mentioned persons various valuable articles ;

2. Of having by violence caused certain orders of the authorities to miscarry ; that is to say, of having forced the gendarmes above-mentioned to abandon the persons whom they were escorting, as has been related above ;

3. Of having premeditated, and of having, with premeditation, committed a murder on the person of the gendarme P. Vasilakos, by wounding him with their fire-arms, and of having attempted the lives of other gendarmes, by an overt act, amounting to an attempt, in discharging on them their fire-arms loaded with powder and ball, though they failed in their object by reason of circumstances independent of their intentions, but nevertheless wounded D. Bambali in the chin ; and,

4. Of having violently, and without the least right, detained the above-mentioned persons, and conveyed them to various places in Attica, in such a manner as to withdraw them from the protection of the Government ; of having used violence and threats to force them to give them money, with the intention of making an illicit gain ; and,

II. Of having, on the 9th April, in the territory of the village of Sykamenon, compelled the authorities, by acts of violence, to suspend orders connected with the public service ; that is to say, of having fired on the soldiers attempting to set free the persons whom they had carried off—

1. With the intention of committing a premeditated murder on those soldiers ; that is, on Spino Bon, &c., they committed an overt act, amounting to an attempt, by discharging at them their fire-arms, loaded with powder and ball ; though, through circumstances independent of their intentions, they failed in their object ; and,

2. Of having, with premeditation, killed the above-mentioned Herbert, Boyl, Lloyd, and Vyner, with yatagans and fire-arms ;

To order that the detention before trial of Alexis Tzounis, and of the others who are detained, shall last until they shall have answered the accusation made against them, and that the warrant of arrest issued by the examining Magistrate, A. Ghion, registered under No. 9, against Tacos Arvanitaki, &c., convicted felons, shall take effect, and that they shall be imprisoned, as soon as they are captured, until judgment shall have been given in their case, and to order the separation of accomplices in this affair. To suspend all criminal prosecution of Christos Arvanitaki and N. Coutzodrako, brigand Chiefs, and of the brigands Mitros Kenourio, or Cordolémis, Soter Arvanitovlakaki, Elie Stathaki, Soter Zomas, Jean Phermani, Mitros Tzakanica, Georges Catarahia, and Jean Janari, or Gheroyanni, who have been killed.

Having heard the above statement orally set forth in Council ; and,

After leaving the hall of deliberations ;

Having examined the documents, and deliberated according to law ;

Whereas the reasons alleged by the Procurator in his statement, as above set forth, are just, legal, and in conformity with the facts brought to light by the examination, and admitted to be so by this Chamber of Arraignments ;

Whereas these crimes are provided for and punished by Articles 66, 363, 364, §§ 2 and 3, 169, § 1, 47, 49, 288, 321, 368, and 109 of the Penal Code, which are as follows :—

(Here follow the words of the aforesaid Articles of the Penal Code, which punish with death those guilty of the above-mentioned crimes) ;

Whereas the said Alexis B. Tzounis, Constans Monahos, Périclès Lioris, or Viliotis, and Photios Iconomos, are detained for trial, and a warrant of arrest has been issued by the examining Magistrate, A. Ghion, against Tacos Arvanitaki, the Chief of the band, Apostolos Caravidas, Nikitas Scaltzopoulos, Nassos Moustaclis or Stoumbrouko, Nicolas Floros or Tzitzis, Démos Patzaouraki or Pliassa, Stathis Xephloudos, Démétrius Zarcadas, Séraphim Phousseka *alias* Scamangoula, *alias* Chrissaropoulos, and Constantine Scantzouri,

and consequently it is necessary to order the detention of the four first until the end of their trial for the crimes of which they are accused, and the continuance in force of the aforesaid warrant of arrest against the other ten convicted felons.

Therefore, and taking into consideration Article 291, §§ 1 and 2, of the Penal Code ;

It is ordered that the following be committed for trial before the Court of Assizes formed in the judicial circonscription of the Court of Appeal of Athens, viz.: 1, Tacos Arvanitis, chief of the band ; 2, Apostolos Caravidas ; 3, Nikitas Scaltzopoulos ; 4, Nassos Boutzakli, *alias* Tzoumbrouka ; 5, Nicolas Floros or Tzitzis ; 6, Démos Patzaouraki ; 7, Stathis Xephloudas ; 8, Démétrius Zarcadas ; 9, Séraphim Phoussekis, *alias* Scamougoula, *alias* Chrissaropoulos ; 10, Constantin Scantzouris, convicted felons ; 11 (1), Alexis B. Tzounis, born at Kyriaki, in Epirus, dwelling in Livadia, aged 25, formerly a forester ; 12 (2), Constans Monahos, born at Caïta, and living at Tréli, a village in Turkey, aged 25, formerly a shepherd ; 13 (3), Périclès Lioris, *alias* Viliotis, born and living at Villia, aged 22, formerly a shepherd ; and 14 (4), Photios Iconomos, born and living at Brelia, in the Ottoman Empire, all brigands detained for trial, to be tried as having been guilty, during the past year, of—

I. Having assembled and formed a band of brigands with intent to commit certain crimes, the nature and kind of which are not yet determined, and thus on the 30th March, of the current year, at Pikermi in Marathon ;

1. Wishing to take possession of the moveable property of other persons, and unjustly to detain them as their own, they fell upon Lord Muncaster and his wife, on Lloyd, his wife and daughter, on Herbert, Vyner and his servant, on Boyl, and on their escort, P. Vassilakos, D. Bambali, Ath. Bulgaris, and D. Bouyouca, who were travelling on the high road from Athens to Marathon, and, armed and making use of their weapons, they seized from the aforesaid persons several articles of value ;

2. They violently caused certain orders of the authorities to miscarry ; that is to say, they forced the gendarmes above-mentioned to abandon the persons whom they were escorting ;

3. They committed with premeditation a murder on the person of the gendarme P. Vassilako, by wounding him with their fire-arms, and attempted the lives of other gendarmes by committing an overt act, amounting to an attempt, in discharging on them their fire-arms loaded with powder and ball, though they failed in their object by reason of circumstances independent of their intention, but, nevertheless, wounded D. Bambali in the chin ; and

4. They violently, and without the slightest right, detained the above-mentioned persons, and conveyed them to various places in Attica, in such a manner as to withdraw them from the protection of the Government, they employed violence and threats to force them to give them money, with the intention of making an illicit gain ; and

II. On the 9th April of the current year, in the territory of the village of Sykamenon, they, by violence, caused the orders of the authorities, given in the interests of the public service, to fail, by firing on the soldiers who attempted to deliver the persons whom they had captured ;

2. They had conceived the design to commit a premeditated murder on those soldiers, that is, on the man named Bon, &c., and committed an overt act, amounting to an attempt, viz., they discharged on them their fire-arms, loaded with powder and ball, and only failed in their object through circumstances independent of their will ; and

3. They murdered with premeditation the aforesaid Herbert, Lloyd, Boyl, and Vyner, with yatagans and fire-arms :—

It is ordered that the detention of Alexis B. Tzounis, Const. Monahos, Pericles Lioris or Viliotis, and Photios Iconomos shall continue until the completion of the trial of the accusation in question which is brought against them ;

It is ordered that the warrant of arrest shall continue in force which was issued by the examining Magistrate, registered No. 11 of the current year, against Tacos Arvanitis, the chief of the band, and the brigands Apostolos Caravidas, Nikitas Scaltzopoulos, Nassos Moustaclis or Toumbrouki, Nicolas Zarcadas, Seraphim Phoussekis, *alias* Scamangoula, *alias* Krissaropoulos, and Constantine Scantzouris, convicted felons, and that they shall be detained in custody, as soon as their arrest shall have been made, until the completion of the trial of the charge brought against them ;

The separation of the accomplices in the affair in question is ordered :

All criminal prosecution of Christos Arvanitaki and N. Coutzodrakos, chiefs of the band, and of the brigands Mitros Kenourios, or Cordolemis, Soter Arvanitovlakaki, Elie Stathaki, Soter Zomas, Jean Phermani, Mitros Tzacanica, Georges Catarahia, and Jean Janari, or Gheroyiannis, who have been killed, shall cease.

The Procurator is charged with the execution of the present Decree before this Tribunal.

Given at Athens, April 27, 1870.

The Judges,
(Signed) M. ANTONIADIS.
SP. EVLAMBIOS.
SP. EUCLIDE.
The Sub-Registrar,
B. I. COCONIS.

Inclosure 12 in No. 6. ("Greece No. 14," page 21.)

Captain Liacopoulos to M. Zaïmis.

(Confidential.)

Mr. President,

Schimatari, April 19, 1870.

WE have first to inform your Excellency that the prisoners had been put to death by the brigands before the attack against the latter had been begun. Some men of the two companies sent from Athens had opened fire, but all the serious results obtained later are owing to the flying columns which came up from Thebes, without whom even the brigands who have been killed or taken would have escaped. If M. Théagénis had not given us contradictory orders, and had allowed us to remain in the positions that we had occupied, I believe that all the brigands, without a single exception, would have perished. I bring these facts to your notice alone, in order that false reports may not reach you afterwards, as it happened on the last occasion.

We shall continue to pursue the brigands. To-day we are engaged in tracking out those who, wounded or not, have managed to conceal themselves. The Sub-Prefect has all the time seconded our efforts with zeal, and continues to do so.

Pray accept, &c.
(Signed) B. LIACOPOULOS.

Inclosure 17 in No. 6. ("Greece No. 14," page 24.)

Extract from the "Courrier d'Athènes" of May 15, 1870.

The Official Documents relative to the Band of Brigands of the Arvaniti, published by order of the Government.

January 6, 1870.

THE Minister of the Interior has received from the Prefect of Phthiotis a telegram announcing to him the entry into Greek territory of the band of the Arvaniti, coming from Turkey, where they have been ever since the 24th October, 1869. He immediately gave orders, by a telegraphic despatch, to the Sub-Prefect of Livadia to take all the necessary measures, and the Sub-Prefect telegraphed that he had taken, in concert with the Commander of the flying column, the steps required by the circumstances. The following telegrams show the activity that has been displayed :—

The Office of the Minister of the Interior.

A band of brigands called Arbanites, and composed of twenty-seven individuals, passed over last night from the Ottoman territory into ours, by Kornovou, crossing the Sperchius, near Kombtades. To judge by appearances they are directing their course towards Locris. I have warned the Sub-Prefect of Livadia, Captain Ladopoulos, and also, by special messenger, the Mayor of Thermopyles. They have taken energetic measures to pursue them, and the same has been done at Hypatia, where the expedition was known of in good time. I hope the measures taken will result satisfactorily.

Lamia, January 18, 1870.

The Prefect of Phthiotis,
(Signed) G. BOURZOUKIDES.

The Sub-Prefecture of Livadia, Livadia.

The Prefect of Phtiotis announces to me the entry of the Arbanitis into our territory, and their probable descent into Locris. Act directly in concert with M. Lado-poulos, and take the necessary steps. I think that it would be well for you to make a tour of inspection round the district, and engage the municipal authorities to give their co-operation to the armed force. Send me immediately, by telegraph, all necessary information.

Athens, January $\frac{6}{18}$, 1870.

The Minister of the Interior,

(Signed) TH. A. ZAIMIS

To the Office of the Minister of the Interior.

The Prefect of Phtiotis informs me that a band of the Arbanitis has passed over from the Ottoman territory into ours at Kornovou. They have crossed the River Sperchius, and will probably direct their march towards Locris. All the necessary steps have been immediately taken in concert with the Commander of the flying column. The detachments have been warned by express, as well as the Mayors of Livadia and Locris; the Sub-Prefect of Thebes has been informed by telegraph. I am on the alert, and keep myself constantly in communication with the Commander of the flying column.

Livadia, January $\frac{6}{18}$, 1870.

The Prefect of Livadia,

(Signed) J. PAPA ZAPHIRES.

The Minister, on the $\frac{8}{20}$ th of this month (January), on not receiving any fresh information as to the direction taken by the band of the Arvanitis, requested, by telegraphic despatch, the Prefect of Phtiotis and the Sub-Prefect of Livadia to give an account to the Ministry of the steps that have been taken. Having been informed of the measures that they had taken, the Government again recommended the latter to put the said measures in execution, because they presumed that the said band, having appeared at Zapantès and at Grévénos, would make for the interior. In answer the Ministry received two telegrams from the Sub-Prefect, to whom, in answer to the second of the said telegrams, a fresh order, by telegraph, relative to the steps to be taken for the safety of the town has been sent, in order that the public force under the command of the Commander of the Flying Column might strictly execute the measures decided on against the said band of brigands:—

To the Prefect of Phtiotis, Lamia.

Telegraph the latest information you have relative to the direction taken by the band of the Arvaniti.

Athens, January $\frac{8}{20}$, 1870.

(Signed) TH. A. ZAIMIS.

To the Sub-Prefect of Livadia.

Telegraph all the information that you have been able to collect relative to the direction taken by the band of the Arvanitis, and the measures you have taken.

Athens, January $\frac{8}{20}$, 1870.

The Minister,
(Signed) TH. A. ZAIMIS.

To the Minister of the Interior.

I have received no further information either from Phtiotis or from Locris, relative to the direction taken by the band of the Arvanitis; and the Commander of the Flying Column, who has set out to-day for Locris, has also heard nothing. Here we have taken the following steps:—

A detachment of the Flying Column from Petra, reinforced by soldiers from the posts of Sachos and Kalamios, is keeping watch in ambuscade over some favourable positions on the road from St. Georges Granitsiotina to Sourpès. A detachment from Cheronea, reinforced by soldiers and inhabitants of Cheronea, is occupying similar positions, and the fordable places of the Cephise; while the detachment from Orchomène, united to that from Larymnès, is keeping guard over a line from Paulos Ladès, Exarchos, and Polygyranès. Some Locrian detachments, reinforced by soldiers of the 10th battalion,

occupy some suspected positions, in order to prevent the passage of the brigands. The Mayors act as police with regard to the shepherds under their jurisdiction, and they are responsible for any negligence. The Sub-Prefect of Thebes has received orders to occupy the passes of the Deme of Acrephinos. In fact, the most unremitting activity is being displayed on all sides.

The Sub-Prefect of Livadia,
(Signed) Z. PAPAZAPHIRES.

To the Office of the Minister of the Interior, Athens.

The band of brigands under the Arvanitis appeared during the night before last at Zapantès and Grévénos of the Deme of Oeta. Directly Lieutenant-Colonel Daglès heard of their appearance, he set out in pursuit of them, and at the same time informed the Commander of the Flying Column of the Deme of Heraclea; while the military force of the Deme of Thermopylæ has been increased.

The Prefect,
(Signed) BOURZOUKIDES.

To the Sub-Prefect of Livadia.

The band of the Arvanitis appeared last night at Zapantès and at Grévénos, of the Deme of Oetès. Lieutenant-Colonel Daglès has gone in pursuit. The military force of the Deme of Heracléotos has been increased. Make all haste to put into strict execution all the measures decided on by you in concert with the Commander of the Flying Column, as stated in your telegram of yesterday.

Athens, January $\frac{10}{22}$, 1870.

The Minister,
(Signed) TH. A. ZAIMIS.

To the Minister of the Interior, Athens.

The Prefect of Phtiotis has just announced in a telegraphic despatch that the band of the Arvanitis has appeared the night before last at Zapantès and Grévénos; Lieutenant-Colonel Daglès has followed in pursuit. I have communicated this news, by special messenger, to the Commander of the flying column at Drachmanios, and have sent, for good reasons, a detachment into this district.

The Sub-Prefect of Livadia,
(Signed) Z. PAPAZAPHIRES.

To the Minister of the Interior, Athens.

According to a telegraphic despatch from the Prefect of Phtiotis, the band of brigands under the Arvanitis in all probability crossed the Deme of Héracliotos yesterday night, and have entered Locris with the intention of appearing before Thebes, capturing the inhabitants, and putting them to ransom. The Commander of the flying column has been apprized of this, as well as the captains of detachments and the respective mayors of this district. The Sub-Prefect of Thebes has been informed by a telegraphic despatch. The absence of the Commander of the flying column is felt very much.

The Sub-Prefect of Livadia,
(Signed) Z. PAPAZAPHIRES.

The Ministry, on being informed by a subsequent telegram from the Prefect of Phtiotis that the band of the Arvanitis had arrived in Locris and were directing their course to Thebes, immediately sent to the Administrative authorities of Phtiotis, Livadia, and Thebes three telegrams in which they firstly expressed their astonishment at the delay which had taken place in discovering the band in question, and, secondly, again recommended continued vigilance in following up the discovery and the pursuit of this band. And on receiving in answer two reports by telegraph from the Sub-Prefect of Livadia, and knowing that the band had entered the circumscription of this district and was making for Thebes, they reiterated their orders that steps should be taken, and urged the necessity of circumspection.

The following are the telegrams relating to the above:—

To the Office of the Minister of the Interior, Athens.

According to information received yesterday from the Commander of the flying column of the Deme of Heracliotos, during the night before last the band of the Arvanitis passed through this Deme, whence it entered Phiotis, directing its march to Thebes, with the intention of committing acts of brigandage there. I immediately informed the Sub-Prefect of Livadia of this circumstance, and, through his agency, the Sub-Prefect of Locris. It may turn out that these reports have no foundation. The security of this Department has not been disturbed.

The Prefect of Phiotis,
(Signed) G. BOURZOUKIDES.

The delay in the discovery and pursuit of the band of the Arvanitis is not consonant with the interests of public security. Carry out with the greatest care everything that circumstances may require. The Sub-Prefects of Livadia and Thebes have received orders to quicken the vigilance of the various Government authorities, and act as police.

Athens, January $\frac{1}{2}$, 1870.

The Minister,
(Signed) TH. A. ZAIMIS.

Inclosure 1 in No. 7. ("Greece No. 14," page 27.)

M. Valaority to Mr. Erskine.

Sir,

Athens, May $\frac{9}{21}$, 1870.

IN referring to the letter which you did me the honour of writing to me the day before yesterday, asking if, and at what hour of the day, M. Avierinos, as Minister of the Interior, *ad interim*, had transmitted to his colleague, the Minister of War, the information that he had received on the ^{30 March}_{11 April} that a band of brigands was concealed in the neighbourhood of Daon, I make all haste to address to you the inclosed translation of the of the answer returned to me by M. Avierinos on the subject.

I avail myself of this opportunity of correcting a mistake which crept in, in the hurry of sending off my last letter, dated the $\frac{6}{18}$ th of this month. The fact is, just as you remark yourself, the capture of the English travellers took place on ^{March 30}_{April 11}, and not ^{March 30}_{April 12}.

Pray accept, &c.
(Signed) S. VALAORITY.

Inclosure 2 in No. 7. ("Greece No. 14," page 27.)

M. Avierinos to M. Valaority.

Sir,

Athens, May $\frac{8}{20}$, 1870.

HAVING taken into my consideration the note from Mr. Erskine, under date of yesterday, I have the honour to inform you, as I have already done in my former letter, that directly I heard of the suspicion that the band of the Arvanitis was in hiding between the positions of Plexiza, Ierotsikouli, and Retzina, as far as Daon of the district of Marathon, I hastened, in conformity with my duty as Minister of the Interior, to communicate to the Commander of the Flying Column of Attica the order which has already been published, in which I directed him to make the strictest search, with a view to the discovery and pursuit of the aforesaid band, without communicating this order in writing to the Minister for War, because I intended to speak on this subject to the Minister for War at the first Cabinet Council which should be held. You are aware that it is the custom for Ministers to discuss state affairs on meeting in Council.

I am, &c.
(Signed) A. AVIERINOS.

Inclosure in No. 11. ("Greece No. 14," page 29.)

M. Novikow to Mr. Erskine.

Sir,

Athens, May $\frac{14}{26}$, 1870,

IT is with the greatest satisfaction that I have transmitted to the Commanding Officer of our Naval Division in Greek waters the despatch from the Earl of Clarendon, which

your Excellency did me the honour of sending to me in your note of the 20th of this month.

No one could be more sensible of the thanks which Her Britannic Majesty's Government have been so good as to convey to him. Rear-Admiral Boutakow has begged me to assure you that he could not think of making a merit of the part which he took in the landing of the mortal remains of your unfortunate countrymen.

In paying them the last honours, he thinks that he has fulfilled the most sacred duty of a sailor, and he considers himself happy in having been called upon to express his profound sympathy for the fate of the victims by lending the presence of the Imperial flag to this painful ceremony.

Pray accept, &c.
(Signed) NOVIKOW.

PART XVI.

Inclosure 1 in No. 1. ("Greece No. 16," page 1.)

M. Valaority to Mr. Erskine.

M. le Ministre,

Athens, June 7, 1870.

I HASTENED to communicate to my colleague the Minister of the Interior the letter which you did me the honour to address to me on the 25th of May, with the request that I would take its contents into my serious consideration.

M. Zaïmis has just transmitted to me the inclosed copy of a Report from the Nomarch of Eubœa (Negropont), dated the 15th of the same month.

You will kindly notice, M. le Ministre, that the refusal, which is complained of, on the part of the abovementioned Nomarch to place the Government vessel "Methoni" at Mr. Noel's disposal, caused no injurious delay in his departure, seeing that Mr. Noel, who had received the telegram about 4 o'clock on the 9th of April, was enabled to start for his destination on the same day at 5 o'clock in another vessel freighted solely for that purpose—a fact which indicates the greatest anxiety on the part of the Nomarch to facilitate Mr. Noel's departure, since he procured for him, in the space of one hour, the means of starting.

I have, &c.
(Signed) S. VALAORITY.

GREECE. No. 17 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

(TRANSLATIONS of Papers printed in the French
Language in Paris Nos. 1 to 16.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.					Page
1.	Sir H. Elliot to the Earl of Clarendon	..	..	.. June 12, 1870	1
2.	Mr. Erskine to the Earl of Clarendon	..	..	.. June 15, —	1
	One Inclosure.				
3.	Mr. Erskine to the Earl of Clarendon	.	..	.. June 15, —	2
	One Inclosure.				
4.	Mr. Erskine to the Earl of Clarendon	..	..	.. June 15, —	2
	One Inclosure.				
5.	Mr. Erskine to the Earl of Clarendon	..	..	.. June 16, —	3
6.	Mr. Erskine to the Earl of Clarendon	..	..	.. June 18, —	4
	One Inclosure.				
7.	Mr. Erskine to the Earl of Clarendon	..	..	.. June 20, —	6
	One Inclosure.				
8.	Mr. Erskine to the Earl of Clarendon	..	..	.. June 23, —	7
	Four Inclosures.				
9.	Mr. Erskine to the Earl of Clarendon	..	..	.. June 23, —	8
	One Inclosure.				

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Sir H. Elliot to the Earl of Clarendon.—(Received June 24.)

My Lord,

Therapia, June 12, 1870.

YOUR Lordship's telegram respecting the companions of the brigand Tako, who were said to have taken refuge in Crete, was communicated to the Porte on the morning of the 6th, and instructions were immediately telegraphed to the Governor-General of the Archipelago to take the first opportunity to desire the Governor-General of Crete to take all possible steps for the capture of these men, and to send them to the Turkish Minister at Athens to be handed over to the Hellenic authorities.

I have, &c.

(Signed) HENRY ELLIOT.

No. 2.

Mr. Erskine to the Earl of Clarendon.—(Received June 24.)

(Extract.)

Athens, June 15, 1870.

I HAVE the honour to transmit to your Lordship herewith a translation of a letter which has been published in yesterday's number of the "Aion" newspaper, from Colonel Théagénis to Mr. Frank Noel, stating that he has no knowledge of a letter which Mr. Noel alleges he addressed to Colonel Théagénis on the morning of the 21st April, and calling upon the former to show what became of it.

Inclosure in No. 2.

Extract from the "Aion" of June 15, 1870.

Mr. Frank Noel,

Athens, ^{29 May}_{10 June}, 1870.

IN the third series of the Diplomatic correspondence lately laid before the English Parliament is to be found a letter which you addressed to your respected father in England, in which you state that, previous to your leaving Oropos on the morning of the ^{9th}_{21st} April, you had received, confidentially, an assurance from the Arvanitei, that they accepted the proposal of being removed from this country on board an English vessel, and that an hour afterwards you wrote to me a letter communicating this assurance, and requesting me at the same time to order the troops to withdraw for the sake of saving the captives, &c. I can assure you, Mr. Noel, that I never received any such letter from you. By whom did you send it? Why did the bearer thereof not find me out? On an investigation the truth may be elicited. Permit me, meanwhile, to make my observations as to the so-called confidential assurance of the brigands. I suspect that it covered some concealed thought to facilitate their escape; for if really they accepted this proposal, why had they refused it on the previous day when so earnestly pressed on them? But, perhaps, you will tell me that they thought better of it; so be it, then why did they not remain at Oropos where they were perfectly safe, and await there the carrying out of the arrangement consequent on their decision? Why did they make their flight at midday after having promised me

that they would wait till the evening? Does not their attempt to get away from the troops, posted at a great distance from them, seem to prove that it was their intention to escape? It seems to me so; but if you were convinced by the assurances of the Arvanitei, I think that it would have been advisable for you not to have left the captives alone, but to have sent your telegram to Chalcis by the "Aphroessa," and to have followed them to Sykamenon (since they capriciously insisted upon going away from Oropos), and used your influence over them to remain there where they were unmolested, and from thence to have come to an understanding with me in regard to the subsequent measures, and thus have prevented the tragical event of Dilessi.

I have, &c.
(Signed) B. THEAGENIS.

No. 3.

Mr. Erskine to the Earl of Clarendon.—(Received June 24.)

(Extract.)

Athens, June 15, 1870.

THE Greek Government have informed me of the capture of seven brigands of a band known by the name of Baconcon. I transmit copy of a letter from Mr. Pandazy, of Missolonghi, to Mr. Merlin, on the same subject.

Inclosure in No. 3.

Mr. Pandazy to Consul Merlin.

(Extract.)

Missolonghi, June 10, 1870.

THE condition of this province is most pitiable. The old and chronic disease of brigandage still rages, and the ranks of the robbers are daily swollen by new accessions of fugitives. Throughout Acarnania and Valtos there are about 100 brigands still remaining. Stuppas, Liaro-Capes, Margliotis, Koutzo-Yannis, and Derecas, leaders, are all united just now, and the whole body numbers sixty-one persons, wandering about the Valtos Eparchy unmolested. They have cut the nose and clipped the ears of a poor peasant lately, and sent him forth to tell the sad story.

We have received the following details as to the movement of the band of the infernal Takos:—A man was taken prisoner a month ago near Agrinium by Doula-Veris' band. He was conveyed northwards when they crossed the frontier, where they kept him for the space of two weeks; but, being a bold and experienced man, he managed to steal away by night, and reached safely the Greek border. On being interrogated he stated that Takos' band increased in number on its course, appeared lately in Turkish Agrapha at a village called Lacressi, situated on a track near the foot of the Goura Mountains, where Takos proposes to proceed, in case the Turkish troops go in search of the party.

No. 4.

Mr. Erskine to the Earl of Clarendon.—(Received June 24.)

My Lord,

Athens, June 15, 1870.

WITH reference to my despatch of the 8th instant, I had the honour to transmit to your Lordship copy of a letter which I have received from Mr. Noel on the subject of the supposed refusal of the Nomarch of Eubœa to give that gentleman the use of a Government boat to convey him to Oropos on the afternoon of the 21st April.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 4.

Mr. F. Noel to Mr. Erskine.

My dear Sir,

Achmetaga, June $\frac{1}{15}$, 1870.

ALLOW me to thank you for your kind letter of the 9th instant and the inclosed number of the "Aion." I don't see that any beneficial result can be obtained by entering

into a public discussion with the Nomarch of Eubœa whether or not he did his best in this lamentable matter. I consider it, however, my duty to forward to you a clear statement of the facts which, you will observe, are in strict conformity with what I have previously written you on the subject, and consequently at variance with the account given in the "Aion."

On the receipt of your telegram I at once went in search of a boat to convey me back to Oropos; but as the weather was unsettled I was of opinion that I should not be able to arrive at Oropos until after dark by an ordinary fishing-boat. I accordingly applied to the Nomarch to give me the "Methoni" boat; in reply he sent me the note, a copy of which I have already forwarded you, as I was informed that the statement that the boat of the "Methoni" was intended for the duty of patrolling during night time the two harbours and the neighbouring coast was not correct. I at once telegraphed to you that the steamer had left and that the Nomarch refused to give me the "Methoni's" boat, and that I was obliged to put off returning to Oropos until early the next morning. In the course of time, I received the following note from the Nomarch, from which I conclude you made known immediately my complaint to the Government:—

"Sir,

"The Government has ordered me to procure you a boat to convey you to Oropos, I have ordered the Master of the Port immediately to place under your orders a boat: it remains with you to fix the hour of departure.

(Signed) "M. MICHALOPOULOS."

When the Portmaster informed me that he had procured a boat it was already quite dark, there was a heavy sea on, and a strong wind so as to render my departure impossible. I informed the Portmaster that I did not apply to the Nomarch for the man-of-war's boat in order to save expense, but to gain time; that I was perfectly willing to incur any expenses that were necessary, and that I had given orders to have a boat ready very early next morning. In my letter to you of the 10th 22nd I said, "Had the Nomarch, whose note I inclose, been more active, I might have been back in time to prevent the collision with the troops." At the time I wrote I was not acquainted of the exact hour the collision took place, and I think I was justified in believing that had I been back in time to show your telegram to Colonel Théagénis, I should have been able to prevent the collision.

Perhaps even if the Nomarch had given me the boat I should not have been in time, as the collision is said to have taken place, I think, at about half-past 5 o'clock, whereas your telegram was received a little before 4 o'clock. Nevertheless I confirm most implicitly what I have said in reference to the want of activity on the part of the Nomarch. Surely, as he had orders to place the "Aphroessa" at my disposal, it was unnecessary for him to receive fresh orders from the Government in order to allow me the use of the man-of-war's boat.

I shall write to the Master of the Port to send me a statement in support of what I have said, and I will forward it to you as soon as received.

I remain, &c.
(Signed) FRANK NOEL.

No. 5.

Mr. Erskine to the Earl of Clarendon.—(Received June 24.)

My Lord,

Athens, June 16, 1870.

AS I perceive by the English newspapers that allusion has been made, in a letter from Mr. Frank Noel, to a telegram which I addressed to him on the day or day but one after the capture at Pikermes, I think it right to mention to your Lordship what I recollect on the subject, and at the same time to apologize for having omitted to do so before. Lord Muncaster and others are well acquainted with all the details, and could vouch for them if necessary.

On the 12th April, if I am not mistaken, or at latest on the 13th, General Soutzo came hurriedly into my room and begged that I would request Mr. Noel to send up his man Dino Arvanitaki, whom General Soutzo considered a useful person in dealing with the brigands. I at that time knew nothing of this man, except that he was in the service of Mr. Noel, and naturally caught at General Soutzo's suggestion. He therefore sat down at my table, and I dictated to him a short telegram to Mr. Noel (which the General translated into Greek), requesting that he would send or bring up his man Dino; and it

was agreed that this telegram should be forwarded to Chalcis, whence the Nomarch was to send it on to Achmetaga by express.

For some days (not, I think, until the 18th) I heard nothing of Dino, and I lived at that time in such constant hurry and anxiety that I had no leisure to ascertain the reason; at last, however, I questioned General Soutzo why there was no answer from Mr. Noel. He appeared to be somewhat embarrassed, and explained that he had subsequently discovered that Dino was not at Achmetaga, that he had been at Athens, but was now gone under a false name to Salonica. I was, naturally, much incensed that General Soutzo or the Nomarch of Chalcis should have taken upon themselves to suppress my telegram; but the General admitted that he only was to blame, and that the Nomarch was in no way responsible. I did not conceal either from General Soutzo or his colleagues my opinion of his conduct in respect to this suppression, and a few days afterwards the General went out of office on other grounds. It may be that he was merely thoughtless, or negligent; and, at all events, it is now ascertained that Dino had actually left Athens and Greece a few days before the capture took place.

I have, &c.
(Signed) E. M. ERSKINE.

No. 6.

Mr. Erskine to the Earl of Clarendon.—(Received June 28.)

My Lord,

Athens, June 18, 1870.

I HAVE the honour to forward to your Lordship a French translation of a letter in the "Aion" newspaper of June 16th, which was addressed by Colonel Théagénis to M. Zaïmis, relative to an alleged misstatement by Captain Liacopoulos as to his having received from Colonel Théagénis contradictory orders, which led to the partial escape of the Arvanitei band when in flight from Sykamenon on the 21st of April.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 6.

Extract from the "Αἰὼν" of June $\frac{4}{16}$, 1870.

(Traduction.)

Lieutenant-Colonel Théagénis to M. Zaïmis.

M. le Président,

Athènes, le $\frac{2}{14}$ Juin, 1870.

LE "Mellon," "l'Alithia," et d'autres journaux d'Athènes, ainsi que "l'Observateur de Trieste," ont publié un télégramme qui vous a été adressé, M. le Président, par M. le Capitaine Liacopoulo en date du $\frac{1}{2}$ Avril de l'année courante. M. Liacopoulo y dit que "les ordres contradictoires que je lui ai donnés et les changements de position qu'il a faits ont été cause que la bande des Arvanites n'a pas été complètement anéantie."

J'aurai passé outre sur de telles explications en les attribuant à des motifs de justification et à l'amour-propre si elles n'avaient fourni le prétexte à des journaux Anglais sérieux, tels que le "Saturday Review" et le "Pall Mall Gazette," d'attaquer le Gouvernement, et moi principalement, en assurant entre autres choses que c'est à dessein que j'ai ordonné de tels changements afin de sauver les brigands et de perdre les étrangers. Je me vois donc forcé d'exposer quelques observations sur les observations qui ont été publiées touchant les ordres que j'ai donnés à M. le Capitaine Liacopoulo, et jusqu'à quel point ils étaient contradictoires, et exposer en même temps les raisons qui ont fait que je lui avais fait changer auparavant ses positions.

Le $\frac{2}{1}$ Avril je reçus du Gouvernement l'ordre d'ordonner aux détachements militaires d'investir Oropos; je me rendis moi-même à la hâte à Salessi pour m'entendre sur l'investissement avec le Capitaine Apostolides, qui se trouvait là, et avec M. Liacopoulos, qui avait ses positions à Schimatari. A peine arrivé là je convoquai en conseil les officiers de la dilochie (compagnie double) pour leur communiquer l'ordre et délibérer sur les moyens de l'exécuter. Ces officiers crurent nécessaire d'appeler M. le Capitaine Liacopoulo aussi avec les troupes qu'il commandait, afin qu'on pût par la réunion de tous les détachements investir plus efficacement Oropos, parceque cet investissement, fait d'abord à distance, demandait, à la tombée de la nuit, des troupes nombreuses. D'abord j'hésitai beaucoup, et j'étais

d'avis qu'il ne fallait pas tirer les troupes qui se trouvaient du côté opposé ; mais lorsqu'on m'assura que le passage de la rivière Asopos était devenu impraticable, et que par conséquent les détachements militaires qui se trouvaient au delà étaient inutiles à l'entreprise méditée, je consentis, et je fais invoquer à cet effet le témoignage de M. le Capitaine Apostolides et de messieurs les autres officiers de la dilochie. J'écrivis donc à M. Liacopoulo de venir à Salessi avec toutes les troupes qu'il avait sous la main, et de donner ordre aux autres détachements de le suivre. Il était cependant probable que l'inondation de l'Asopos se calmât jusqu'à ce moment, la pluie cessant, et que la rivière devint par là guéable, de sorte que le Capitaine Liacopoulo, au lieu de marcher sur Salessi, ou que ses détachements suivissent un chemin plus long, se dirigeassent par un chemin plus court à Oropos par Sicaminos. Mais comme le temps paraissait être à la pluie je devais nécessairement préférer le certain au douteux.

Ensuite Stavros Liatis, envoyé par le Capitaine Jean Apostolides pour examiner les lieux, revint d'Oropos et m'informa que les brigands se préparaient à partir pour Sicaminos. Alors, quoique me trouvant dans l'incertitude, parceque les brigands m'avaient promis la veille qu'ils allaient attendre jusqu'au soir de cette journée la réponse d'Athènes, et parcequ'on pensait que la rivière n'était pas praticable et que les brigands changent rarement de positions au milieu du jour, à moins qu'ils n'y soient forcés ; et comme la moindre nécessité de faire cela ne se présentait à eux d'autant plus que la veille on leur avait fait savoir que leur fuite d'Oropos dégageait le Gouvernement de la promesse de ne pas les poursuivre qu'il avait faite aux deux Ambassadeurs ;—pour toutes ces raisons quoique dans l'incertitude, dis-je, je m'empressai, pour tout ce qui pouvait arriver, de faire savoir à M. le Capitaine Liacopoulo ce qu'on venait de m'annoncer, en en révoquant les premiers ordres que je lui avais donnés de lui ordonner de diriger les détachements sur Sicaminos et non sur Salessi, d'occuper les postes voisins afin d'empêcher les brigands de fuir de ce côté-là s'ils le tentaient ; on décida, parceque le besoin s'en faisait sentir, que la dilochie seule marcherait sur Oropos, quoique elle manquât de bien des choses nécessaires, et de prévenir, s'il était possible, la fuite des brigands si ces derniers y mettaient du retard, d'attendre là les secours de M. le Capitaine Liacopoulo si celui-ci pouvait leur en fournir, ou bien de suivre les brigands à Sicaminos et de venir au secours de M. le Capitaine Liacopoulo.

Tels sont les ordres que j'ai donné à M. le Capitaine Liacopoulo. Où se trouve la contradiction ? Deux circonstances différentes ont provoqué des mesures diverses. Est-ce que cela peut s'appeler une omission, ou quelque chose d'extraordinaire et d'étrange ? Quand les armées sont en campagne ne change-t-on pas très souvent les mouvements des corps selon les circonstances qui se présentent ?

Quand nous nous proposons d'investir Oropos d'abord de loin et ensuite de plus près, à quoi les troupes de M. le Capitaine Liacopoulo, campées à Schimatari et aux environs, à cinq heures de marche environ d'Oropos, auraient-elles pu servir ? A rien. Quand les brigands résolurent de se rendre à Sicaminos ne devait-on pas occuper les environs pour les empêcher de fuir de ce village ou de les y investir dans le cas où ils y demeureraient ? Dans ce cas à quoi aurait servi d'occuper Schimatari et ses environs ? A rien, sans faute. Mais les brigands quittèrent Sicaminos à la vue de la dilochie ; dans ce cas quoi de plus convenable que le nouvel ordre donné à M. Liacopoulo de se diriger sur Sicaminos ? En se dirigeant vers cet endroit n'aurait-il pas rencontré les brigands qui fuyaient, et ne les aurait-il pas empêchés de fuir si en s'avancant il avait en vue une pareille éventualité ? Et si MM. Liacopoulos et Apostolides gardaient leurs positions l'un à Schimatari et l'autre à Salessi, à quoi cela aurait-il servi ? Les brigands auraient inévitablement décampé cette nuit là, et trompant la vigilance de MM. Liacopoulo et Apostolides, ainsi que celle des détachements, auraient disparu. La preuve c'est que les brigands de cette bande, qui échappèrent quoique fatigués et découragés, parvinrent cependant à tromper la vigilance des détachements militaires en revenant sur leurs pas et en se réfugiant aux environs de Liatani après avoir passé une seconde fois la rivière. Cependant de la manière dont les brigands ont été poursuivis et par la direction qu'ils ont prise malgré eux, et de la manière dont l'attaque et la poursuite ont eu lieu, les troupes campées à Schimatari pouvaient être d'une grande utilité. Mais je pense qu'on ne doit pas toujours juger des choses après coup.

Au reste, la volonté du Gouvernement et l'objet de mes efforts n'étaient pas de tuer de loin le plus grand nombre de brigands possible, dans le cas où ils seraient mis en fuite, mais de les investir de près autant que possible afin de les forcer d'accepter la rançon et de relâcher leurs prisonniers. On aurait pu y parvenir en investissant à temps Oropos et Sicaminos.

Donc puisque mes ordres qualifiés de contradictoires ne visaient qu'à un seul et même but, ainsi que le changement de position du capitaine, il n'est ni juste ni équitable de les jeter à la publicité transformées pour que d'un côté les étrangers en tirent des

conclusions absurdes, et que, de l'autre, le public, dans l'ignorance des faits qui ont eu lieu, porte des jugements faux.

Je vous prie donc, M. le Président, d'ordonner soit la réfutation officielle de pareilles interprétations, soit la publication de la présente, pour que la vérité soit connue.

Votre, &c.

(Signé) B. THEAGENIS.

No. 7.

Mr. Erskine to the Earl of Clarendon.—(Received June 30.)

(Extract.)

Athens, June 20, 1870.

I HAVE the honour to transmit to your Lordship herewith a copy of a Report addressed to me by Mr. Watson, Secretary of Her Majesty's Legation, upon the execution witnessed by him this morning of five of the brigands belonging to the Arvaniti band who were condemned to death on the 22nd of last month.

The sentence of Tassoula has been commuted into imprisonment for life; and Pericles Lioris has been momentarily relieved.

Inclosure in No. 7.

Mr. Watson to Mr. Erskine.

Sir,

Athens, June 20, 1870.

I ATTENDED the execution of five of the condemned brigands of Takos' band, which was carried out between half-past 6 and 7 o'clock this morning in the space called the Polygon, at the upper end of the Champ de Mars.

From daybreak people were walking thither, and when I arrived there with Count della Minerva, at 5 o'clock, the hill immediately above was crowded to the top.

A hollow square was formed around the guillotine and was lined by three companies of infantry, one of artillerymen, and a troop of cavalry, the whole under the Commandant de Place. The Procureur du Roi, the Italian Minister and myself, some officers of the "Royal Oak" and "Jaseur," the King's chaplain, and some of the jury who had found the prisoners "guilty," were admitted within the square.

The crowd was quiet and perfectly orderly till half-past 6, when a general shout from those on the hill announced the coming of the prisoners. They came each separately in a carriage, each with two soldiers, preceded by the two executioners in another carriage, and escorted by a troop of cavalry. As soon as the executioners had seen that the guillotine was in order the first carriage came into the square and the brigand Costa was made to alight, when his sentence was read over to him and he was handed over to be put to death. As his legs were being bound he requested that he might not be put to pain; and as he was being tied to the guillotine he turned to the crowd on the right and begged them to forgive him as he hoped to be forgiven of God. As he was tilted forwards he was answered by a yell of execration, and in two seconds more the knife had fallen and his head had rolled into the basket.

Next came Alexis, the brigand accused of having murdered Mr. Herbert. I watched his demeanour narrowly, and though he did not now exhibit the scornfulness which made him so remarkable at the trial, he showed to the last that he possessed the utmost courage. Like Costa, he turned to the bystanders and asked them to forgive him, as they hoped for salvation. They were awed by the sight they had seen, and not a voice replied to Alexis; yet his bright eye never once quailed, not even at the sight of his companion's headless trunk. The next two brigands executed—with one of whom came their confessor—had been taken before the excursion to Marathon. The first of these uttered a piteous cry of horror at the sight below, as his head was being fitted to the block; he said nothing to the crowd. The second had to be lifted out of the carriage by the executioners, and as his miserable emaciated form was stretched at full length he uttered a cry for forgiveness.

The last of those who suffered was Photi; he, too, had to be lifted out of the carriage, and held by the two men whilst his sentence was being read over. He seemed to be suffering great pain, and repeatedly begged of the executioners to be careful to avoid hurting his leg. He was at length adjusted, and turned with his face to the

ground, and had scarcely uttered a moan when the string was pulled, and the fatal knife fell for the fifth and last time.

I have, &c.
(Signed) R. G. WATSON.

No. 8.

Mr. Erskine to the Earl of Clarendon.—(Received June 30.)

My Lord,

Athens, June 23, 1870.

WITH reference to my despatch of the 15th instant, I have the honour to transmit to your Lordship herewith a translation of a letter addressed by Captain Stamatis to the Minister of War, stating that as he did not expect that the letter from Captain Liacopoulos would ever be wanted he had not kept it.

I inclose likewise a copy of a letter from Mr. Noel, informing me that he had written to Captain Stamatis for a copy of the document in question; but of course if that officer has destroyed it, there is an end of the matter.

I may take this opportunity of forwarding to your Lordship translations of two letters which have recently been forwarded to me by Mr. Noel, although I do not myself perceive that they have any important bearing on the massacre of Dilessi.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1 in No. 8.

Captain Stamatis to the Minister of War.

(Translation.)

M. le Ministre,

Chalcis, June $\frac{5}{17}$, 1870.

THE letter of Captain B. Liacopoulos which you ask me for in your letter of the 15th instant, which was delivered to me on the day after that of the painful event, by the captain of the royal vessel "Aphroessa," which brought here the bodies of the two murdered noble strangers, is, unfortunately, no longer in my possession. I did not keep it, being under the impression that it would never have been required and would be of little interest to me, seeing I could not, for want of troops, occupy the position of Dilessi, as is well known to the War Ministry from the telegrams of the 2nd infantry battalion.

I am sorry I cannot execute your orders.

I am, &c.
(Signed) L. STAMATIS.

Inclosure 2 in No. 8.

Mr. F. Noel to Mr. Erskine.

My dear Sir,

Achmet Aga, June $\frac{6}{18}$, 1870.

THIS moment I have received your note of the 14th instant, which had miscarried. I have at once written for a copy of the letter written to Captain Stamatis by Captain Liacopoulos.

I remain, &c.
(Signed) FRANK NOEL.

Inclosure 3 in No. 8.

M. Economides to Mr. F. Noel.

(Translation.)

Mr. Noel,

Scala of Oropos, April $\frac{9}{21}$, 1870.

I RECEIVED your letter early this morning and delivered immediately the one for the captain of the steamer, who is occupied in answering it. Learn, my friend, that the steamer's duty is to patrol the gulf, that there is not a single soldier on board, and that it has received from Government the same instructions as those given to the detachments.

So they must not be uneasy. The captain told me that he expects you, to take you to Chalcis.

Yours truly,
(Signed) G. ŒCONOMIDES.

Inclosure 4 in No. 8.

M. Koutaros to Mr. F. Noel.

(Translation.)

Mr. Noel,

Harbour of Oropos, April $\frac{9}{21}$, 1870.

YOUR letter of yesterday's date I received this morning. We are going to start for Chalcis, and if you like you can embark on board the steamer. We have not a single soldier on board the ship. We touched here yesterday, in consequence of bad weather, our duty being to patrol the gulf.

No. 9.

Mr. Erskine to the Earl of Clarendon.—(Received June 30.)

(Extract.)

Athens, June 23, 1870.

I HEREWITH inclose an abstract of an article from the "Mellon" newspaper, pointing out, in very cogent terms, the necessity of a full inquiry into the conduct of all those, whether great or small, who have been mixed up in these transactions.

Inclosure in No. 9.

Extract from the "Μέλλον" of June $\frac{9}{21}$, 1870.

(Translation.)

PERHAPS the inquiry into the criminal act of the Arvanitei has terminated, but the public has not seen what it anxiously expected from it. Peasants, some of whom belong to an Athenian grandee, have been arrested, some for having furnished provisions, some for sheltering, and others for having in divers ways been of service to the criminals; but we have not seen any of the roots of brigandage extracted, nor do we perceive that any of its distinguished protectors have been examined.

Truly, a Deputy and a prior have been arrested; but they also are not of that high class which was expected by the public, and of whose culpability they are convinced, whose arrest and examination might have thrown light upon a great many mysteries. . . . Justice has manifestly done its work, but it has only been one-sided; it searched after results, it limited its action to tracing the crime, the persons who supplied the brigands with food, and sheltered them; but it did not enter into the cause. It did not examine how and why that band set out from the frontier, marched straight to Attica—and always towards Attica. . . . The inquiry has not brought to light how and why Attica, having for some months, in its very heart, sixteen brigands under the celebrated Spanos, and later twenty-two under the Arvanitei, was left to the mercy of forty soldiers, who very often remained without a chief.

How is it that whilst this paper, ever since the month of March, cried out to the public to be careful, because the Arvanitei ruled over our mountains, and to the Government to take measures against them, nothing was done, as if it was a crime of high treason in any way to disturb the brigands? And how it happened that whilst a few days previous to the commission of the crime, on the very eve thereof, persons holding high positions, (we are ready, on being asked, to give their names) earnestly informed the Minister of War, General Soutzo, that the Arvanitei had been seen at such and such a place in Attica, no measures were taken, and the strangers were left to proceed as sheep to slaughter? We ask how was this, and why?

All these things, some of which have been deposed to at the inquiry, have not been examined by justice, why? Because they did not come under the jurisdiction of a simple "Juge d'Instruction;" they did not come within the bounds of ordinary criminal prosecution, being crimes for which a Minister had to be put under examination, and consequently it was requisite that the accusation should come from the Chamber, or that it should express its wish. . . . The lot has fallen only upon peasants and

shepherds, why? Because the great mutually protect each other, whilst persons of the lower classes are punished; the true criminals, those who push, and who in a sense compel, others to commit crimes, behave with arrogance. . . . And truly, if the attempts of M. Liacopoulos to destroy the band of the Arvanitei had not been frustrated, neither Malea nor the Prior, nor so many others, peasants, would now be in prison, nor would the unfortunate nation be brought before the bar of public opinion in Europe. . . . We have two periods before us, that of the Ministry of M. Smolentz and that of his predecessor. . . . What has been done for upwards of a year? During the first period (General Soutzo's Ministry) nothing else was heard after the many and daily acts of brigandage but such expressions as the following:—"At such a place such a band has been discovered; but night coming on the brigands escaped. The head of detachment, so and so, having met the band of so and so, killed the capote of a brigand, and captured the shoes of two others." But more grievous were the following:—"At such a place the brigands, having attacked one of the detachments, killed the sergeant and a soldier, and wounded another; it is supposed that one of the brigands has been wounded, because traces of blood have been seen." . . . When the Minister of War (General Soutzo) made his tours in Acarnania, the nursery of brigands, acts of brigandage had ceased to be committed, and all encounters between the military and the brigands were no more heard of; then the ministerial organs trumpeted about that the brigands, so and so, "pressed by the severity of the pursuit, had left for Italy." We, however, maintained that a Convention had been entered into, the brigands having been begged or invited to keep quiet. . . . Smolentz has come into office. . . . Not a day passes but the death of a brigand, or the destruction of a band, is announced. . . . That abominable time has passed when soldiers merely killed capotes and shoes, and when, night coming on, the brigands vanished.

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS

GREECE. No. 19 (1870).

CORRESPONDENCE

RESPECTING THE

CAPTURE AND MURDER

BY

BRIGANDS

OF

BRITISH AND ITALIAN SUBJECTS

IN

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—169.] *Price 2d.*

LIST OF PAPERS.

No.						Page
1.	Mr. Erskine to the Earl of Clarendon	..	..	..	.. June 25, 1870	1
	Three Inclosures.					
2.	Mr. Erskine to Mr. Hammond	..	..	..	.. June 30, —	3
	Six Inclosures.					
3.	Mr. Erskine to Mr. Hammond	..	..	..	.. June 30, —	5
	Three Inclosures.					
4.	General Church to Mr. Gladstone	..	..	..	.. June 11, —	6
	One Inclosure.					
5.	Earl Granville to Mr. Erskine	..	..	..	.. July 7, —	8
	One Inclosure.					
6.	Mr. Erskine to Her Majesty's Principal Secretary of State, Foreign Office				.. July 5, —	9
7.	Mr. Erskine to Her Majesty's Principal Secretary of State, Foreign Office				.. July 7, —	9
	One Inclosure					
8.	Mr. Erskine to Earl Granville	..	..	..	.. July 14, —	10
	One Inclosure.					
9.	Mr. Erskine to Earl Granville	..	..	..	.. July 16, —	10
	One Inclosure.					

Correspondence respecting the Capture and Murder by Brigands of British and Italian Subjects in Greece.

No. 1.

Mr. Erskine to the Earl of Clarendon.—(Received July 3.)

My Lord,

Athens, June 25, 1870.

I HAVE the honour to transmit to your Lordship herewith copies of a despatch and of its inclosures from Mr. Vice-Consul Blakeney, respecting a misunderstanding which had arisen between the Nomarch of Western Greece and himself in regard to a conversation reported in a despatch from Mr. Blakeney, of which a copy was inclosed in my despatch to your Lordship of May 17.*

Mr. Blakeney, as your Lordship will observe, seems to expect some explanation or satisfaction on this head; but I have told him that without venturing to forestall the decision of Her Majesty's Government, it appears to me that this is a question of credibility between two statements, and that I have no reason to doubt that your Lordship will be disposed to give implicit credence to the accuracy of Mr. Blakeney's Report of his conversation with the Nomarch, which that functionary has seen fit to question.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure 1 in No. 1.

Vice-Consul Blakeney to Mr. Erskine.

Sir,

Missolonghi, June 20, 1870.

WITH reference to my letter of the 11th ultimo reporting the destruction of those brigands, Spattina, Kostandello and Thanasula, by three brothers Shermani and their servant, and which you have thought worth publishing, and which appeared in the "Clio" and "Hemera" about ten days ago, I have now the honour to inform you that the day after its appearance here before the public, a party of officers representing the different corps composing the garrison called on the Nomarch in full uniform to ascertain whether the last part of my letter was a mistake in the translation or if he actually made that remark to me about the officers in Acarnania.

The Nomarch's reply, I hear, was not a very decisive one, but he told them that he would write to me that very day and demand an explanation on the subject. Instead of which he called a very respectable gentleman of the place whom he knew to be a friend of mine (but whose name I am not at present at liberty to mention, but who assured me that should his evidence be required in this affair, he would not hesitate in the least to come forward), and informed him that the officers had called on him, and that he (the Nomarch) begged him to call on me and tell me what had taken place, and that he would consider it a favour if I would consult my copy book and see what it was he (the Nomarch) had told me, and whether the translation of my letter corresponded with the original.

Seeing no objection to comply with his request, once my letter had been published, I did so at once.

This gentleman had also informed me at the time that the Nomarch was going to write to me a letter that very day on the subject, and which I, at every moment, expected to receive.

Four or five days had elapsed since this had taken place, when the Nomarch sent for another gentleman, Mr. Pandazy (who has several times before acted as British Vice-

* See "Greece No. 12," page 1.

Consul here, and who is also a friend of mine), who immediately went there, and after the usual complimentary greetings the Nomarch told Mr. Pandazy,—I find myself in an unpleasant position with the officers here owing to the appearance in the “Clio” of that remark written by the British Vice-Consul to Mr. Erskine; but knowing you to be a friend of the Vice-Consul, I beg you do me the favour to speak to the Vice-Consul to try and remedy this affair in some friendly way.

Mr. Pandazy replied, I am most willing to do so; but tell me, what is it you expect from the Vice-Consul? To deny what he has written is impossible. To this even the Nomarch himself agreed. He then said, Tell him to write to me a letter.

This said Mr. Pandazy at once came to me and related all that had taken place between him and the Nomarch.

My answer to Mr. Pandazy was: Tell the Nomarch I am very sorry that he finds himself in that awkward position; but what he asks from me is impossible. I shall be most willing as a friend to do all in my power to help him out of his troubles, but he is the one to write and not myself, and then I shall be able to judge and see what can be done. My answer having been delivered, I did not hear anything more about it until yesterday, when, to my utter astonishment, after all these friendly negotiations had taken place, and about nine days after my letter had made its appearance here, I received a letter from the Nomarch, copy of which I transmit herewith, denying all he had told me, and requesting me to give him a reply as soon as possible. I therefore lost no time to give it to him, copy of which I also inclose, and in which you will see that I not only refuse to comply with his request, but reminded him that what appeared before the public was exactly what he had told me.

And now all I have to add is that I consider my honour to be at stake, and most respectfully beg you to take the necessary steps so that some satisfaction or explanation be afforded; and this I feel in honour bound to exact from the quarter you may think most proper, not only as a British Consular Officer, but also as a gentleman.

I should also deem it a special favour if you would cause this letter and the two inclosures to be published.

I also feel bound to add that should you think that what I now write is not sufficient to prove the incorrectness of the Nomarch's letter, I shall always be in time to add another remark made by the Nomarch against another person who is very closely connected with the officers stationed in Acarnania, and this he made before a third person.

I have, &c.

(Signed) C. A. BLAKENEY.

Inclosure 2 in No. 1.

M. Zygomala to Vice-Consul Blakeney.

(Translation.)

My Friend Mr. Blakeney,

Missolonghi, June $\frac{6}{18}$, 1870.

THE two Greek papers published at Trieste, the “Clio” and “Hemera,” have translated, from the English, in two different ways, a certain letter addressed to the English Minister at Athens, Mr. Erskine, bearing your signature, in which the achievements against the brigands by the royal troops are reported, to which also is added the following:—“As the Nomarch told me verbally, the pursuit of brigandage ought never to have been entrusted to the officers now in Acarnania, because they do not belong to the Government party, but unfortunately are the organs of individuals in favour of the maintenance of the present grievous state of things.”

I presume that your letter has been mistranslated, or that you misunderstood, unintentionally, the true spirit of my conversation respecting the safety of the frontier line, to which the sad tragedy of Pikermes gave rise, and my opinion respecting the invasion of the Arvanitei. I have the honour to observe to you that, in private conversation, I did not mention to you the officers of Acarnania, with whom I have the honour to co-operate in the pursuit of brigandage, and whose late achievement justified the favour shown them by our Government. Relying on your honourable and upright character, I am convinced you will gladly rectify an involuntary mistake or a defect of translation of your letter, and I await an early answer on the subject.

Receive, &c.

(Signed) A. ZYGOMALA.

Inclosure 3 in No. 1.

Vice-Consul Blakeney to M. Zygomala.

(Translation.)

My Friend M. Zygomala,

Missolonghi, June 17, 1870.

ON receiving your letter of yesterday's date, I referred to the original of my letter which you mention. In it I found the exact phrase which, immediately after our conversation, I noted down, and which in your letter of yesterday you repeat, concerning the officers in Acarnania.

If I did not know, as you are aware I do, the Greek language well, or if your conversation had taken place in English, then I would be obliged to suppose that I had misunderstood your words. But speaking Greek, and having understood the phrase in question, to which I had listened attentively as coming from the most notable authority of the place, I communicated it in a letter to the English Legation at Athens, as worthy of note, never thinking that this authority for whatsoever reason would demand its being refuted, as if it never had been said.

Be assured, Sir, that I would have considered your letter as going beyond what is in courtesy due to authorities, if I did not believe that, in consequence of the long time which has elapsed since our conversation, you seriously believe your mistaken assertions.

Receive, &c.

(Signed) C. A. BLAKENEY.

No. 2.

Mr. Erskine to Mr. Hammond.—(Received July 7.)

Sir,

Athens, June 30, 1870.

WITH reference to my despatch of the 15th instant, respecting the alleged order to Captain Stamati to attack the brigands at Sykamenon, I have the honour to transmit herewith copies of a letter and its inclosures from Mr. Frank Noel, stating that he is not in a position to produce the order in question.

I may take this opportunity of forwarding also translations of a letter from Mr. Noel to Colonel Théagénis, declaring that he had forwarded a letter to the Colonel, which the latter never received, by three men who undertook, in the presence of the Commander of the "Aphroëssa," to deliver it, together with Colonel Théagénis' answer to that communication calling upon M. Zaïmis to cause this statement to be intimated.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure 1 in No. 2.

Mr. F. Noel to Mr. Erskine.

My dear Sir,

Achmetaga, June 13, 1870.

I INCLOSE you a copy of the answer of Captain Leonidas Stamati relating to my application for a copy of the letter addressed to him by Captain Liacopoulo adjoined in my reply.

I also inclose you a copy of a letter received from the Master of the Port of Chalcis.

I remain, &c.

(Signed) FRANK NOEL.

Inclosure 2 in No. 2.

Captain Stamati to Mr. F. Noel.

(Translation.)

Dear Friend Mr. F. Noel,

Chalcis, June 9, 1870.

WITH pleasure I have read your letter of the 6th instant. I am extremely sorry not to have it in my power to satisfy your curiosity and furnish you with a copy of the

mislaid letter, which, considering it valueless and superfluous, I placed amongst my useless correspondence, and have been unable to find.

Receive, &c.
(Signed) L. STAMATI.

P.S.—This very moment has arrived your second letter of the $\frac{8}{20}$ th instant. If you have not had an immediate answer from me it is not my fault, as your first letter was received at an hour on Sunday when the mail had left. I repeat to you that I am very sorry at not having hitherto been able, notwithstanding all my endeavours, to find that letter. A long time has elapsed since I laid it aside, and no one had, until it was no longer in existence, ever asked me for it.

Inclosure 3 in No. 2.

Mr. F. Noel to Captain Stamati.

(Translation.)

M. Stamati,

Achmetaga, June $\frac{13}{25}$, 1870.

I HAVE the honour to acknowledge your letter of the $\frac{9^{th}}{21^{st}}$ instant, in answer to which I have to state to you that I did not ask for a copy of the letter addressed to you by M. Liacopoulos for curiosity's sake, but in accordance with a request from Mr. Erskine.

You will remember that you had the goodness to permit me to make use of its contents, which I consequently communicated to Mr. Erskine. I therefore beg you to find it, if possible, or at least give me in writing such parts of its contents as may not have escaped your memory.

I have, &c.
(Signed) F. NOEL.

Inclosure 4 in No. 2.

M. Christodoulo to Mr. F. Noel.

(Translation.)

Mr. Noel,

Chalcis, June $\frac{9}{21}$, 1870.

I HAVE received your letters dated respectively the $\frac{1^{st}}{13^{th}}$ and $\frac{3^{rd}}{15^{th}}$ June, by which you request to be informed whether the boat of the "Methoni," on the night of the $\frac{9^{th}}{21^{st}}$ April, had patrolled the two harbours and the coast of Chalcis, and likewise as to finding a boat to convey you to Oropos, &c.

I am sorry not to have it in my power, as a private individual, to furnish you with the information required, which has reference to the special duties of my office, to the head of which, the Minister of Marine, alone I am bound to communicate the steps I may have taken respecting public security. Meanwhile, if you have urgent need of this information you may address yourself to the Ministry of Marine, which, should it think fit, will give you the information you require.

The Port Officer of Chalcis,
(Signed) P. CHRISTODOULO.

Inclosure 5 in No. 2.

Extract from the "Αιὼν" of June $\frac{11}{23}$, 1870.

(Translation.)

To the Editor of the "Αιὼν."

Sir,

I BEG you to insert in your paper the following letter:—

Mr. F. Noel to Lieutenant-Colonel Théagénis.

M. le Colonel Théagénis,

Achmetaga, June $\frac{8}{20}$, 1870.

The letter of the 29th of May (10th of June) which you say you have addressed to me has not reached me, and the first knowledge I had of it was through the "Αιὼν," No. 2569, in which it was published. The letter addressed to you, and to which I referred in a letter to my father, was written on board the steamer "Aphroessa," where it was read in the

presence of the Captain of that vessel, M. Koutara, who undertook to see it safely delivered to you through the channel of three men, as he said. I did not remain at Oropos, but promised to return, as I had no knowledge of your plan or of your intention to surround the brigands, and only when on board the steamer did I learn this, in consequence of which I addressed to you, under the date of the ^{9th}_{21st} April, the letter in question.

I have, &c.
(Signed) F. NOEL.

Inclosure 6 in No. 2.

Extract from the "Αἰών" of June ¹⁵₂₇, 1870.

(Translation.)

Lieutenant-Colonel Théagenis to M. Zaïmis.

Mr. President,

Athens, June ¹²₂₄, 1870.

I AM extremely sorry every time I have to interrupt you in your difficult occupation and occupy your valuable moments with troublesome demands, but I am now and then forced to this by circumstances.

The Englishman Mr. F. Noel, in a letter addressed to me on the ⁸_{20th} instant (published in the "Αἰών" No. 2572) maintains that, on the ^{9th}_{21st} April, he having learnt on board the "Aphroessa" the plan by which it was intended to surround the brigands, wrote me a letter (referred to in one to his father in England, published in Series XI of the Diplomatic documents communicated to the English Parliament), which had been read in the presence of the commander of the steamer, M. Kotara, who undertook to forward it to me by three men.

As I never received such a letter from Mr. Noel, it is of consequence that the circumstance be officially and regularly cleared up, so that public opinion may not be led to erroneous suppositions, more especially abroad. I beg you, Mr. President, to order that the Commander of the "Aphroessa," M. Kotara, be asked whether he really did send me the letter referred to by Mr. Noel, and, if so, through whom, specifying names; and, in case of an affirmative answer, to order the examination of those persons, so as to find what they did with the letter and to whom they gave it, and further to publish the result of this inquiry.

Permit me, meanwhile, to express to you, Mr. President, my surprise that on board the steamer "Aphroessa" they should have known and given out the measures taken to surround the brigands at Oropos, on the morning of the ^{9th}_{21st} April, whilst I only at that time received at Marcopoulos the orders of Government on the subject.

I have, &c.
(Signed) B. THEAGENIS.

No. 3.

Mr. Erskine to Mr. Hammond.—(Received July 7.)

Sir,

Athens, June 30, 1870.

AS I perceive in No. 16 of the printed Correspondence, at page 18, Mr. Frank Noel is made to deny that George Yanni, the brother of Takos and Christos, was ever in his service, I deem it my duty to transmit to you herewith a copy of a letter from Mr. Frank Noel to me, in which he makes the same statement.

On the 11th instant, I wrote to Mr. Noel at Achmetaga to say that I would, if he wished it, forward a copy of his letter to the Foreign Office, but that in that case I must reserve to myself the right of making any explanation I thought fit; and as Mr. Noel has taken no notice of that letter, I now most positively assert that Mr. Noel informed me repeatedly that all the five brothers were in his service, and in corroboration of my assertion I herewith inclose translations of two telegrams from Mr. Noel, in one of which he spoke of "my man George Arvanitaki," and in the second of "the other brothers Arvanitei who are in my service."

Unless I am much mistaken the notorious ex-brigand Dino Arvanitakis, who was arrested at Salonica, and is now in prison here, was Mr. Noel's bailiff, and was employed by him, when arrested, in purchasing cattle. This at least was Mr. Noel's assertion to me.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1 in No. 3.

Mr. F. Noel to Mr. Erskine.

My dear Sir,

Achmetaga, May 27, 1870.

I WAS very sorry to notice in your despatch of the 1st of May to Lord Clarendon that you speak of George and Ntinos* Arvanitakis as having been in my service. The two brothers in my employ have been in no way implicated in this painful matter. I should feel much obliged if you would have the kindness to contradict this statement.

You have not answered me in reference to the letter of George Arvanitakis, which I should be glad to have returned.

I remain, &c.
(Signed) FRANK NOEL.

Inclosure 2 in No. 3.

Mr. F. Noel to Mr. Erskine.

(Translation.)
(Telegraphic.)

Chalcis, April 22, 1870.

MY man George Arvanitaki, whom you ordered me to take with me to Oropos, has been arrested by the Mirarchy here. Order his release. Answer.

Inclosure 3 in No. 3.

Mr. F. Noel to Mr. Erskine.

(Translation.)
(Telegraphic.)

Chalcis, April 22, 1870, 6 P.M.

THE other brothers Arvanitei who are in my service and who have come here to sell my lambs have been arrested, so that my flock is left without shepherds.

All who have been arrested know that they are innocent, and that they have been unjustly arrested. Answer.

No. 4.

General Church to Mr. Gladstone.—(Received June 20.)

(Extract.)

Athens, June 11, 1870.

IT is with regret that I break the rule I had made for myself of not troubling you in the midst of your important occupations, but I feel myself obliged to do so, in order to vindicate from the most unjust censure the conduct of a highly honourable officer which has been stigmatized (I hope from ignorance) as having caused the melancholy catastrophe of the deaths of our unfortunate countrymen and the Italian gentleman, so cruelly murdered some weeks ago by a ferocious band of assassins. The officer I allude to is Lieutenant-Colonel Théagénis, a man well known to and highly esteemed by many of our friends, and of whose biography I have given a sketch in the accompanying paper.

I shall now state what his conduct was in the affair of the brigands in the tragedy of Oropos. The brigands being in that village with their prisoners, Colonel Théagénis was selected by His Majesty the King (with Mr. Erskine's entire approbation) to be sent to negotiate with the brigands for the delivery of the prisoners. Colonel Théagénis accordingly presented himself to the brigands in Oropos on the morning of the 20th of April. With the brigands he already found young Mr. Noel with his man Giorgio Yanni, a brother of the two most ferocious chiefs of the brigands. Colonel Théagénis immediately entered into discussion with the principal chiefs, and, far from threatening them (as absurd calumny has stated), he did everything in his power to conciliate them, and to the very utmost limits of his instructions. He offered them money, 25,000*l.*, or even more, with perfect liberty assured to them to go away either by land or by sea; if they wished to depart by land he offered himself and other superior officers as hostages: in fact, he left no conciliatory measure untried, but to no purpose: but he never threatened them. He, of course, pointed out to them the folly of refusing the wonderfully advantageous propositions made to them both by the English Minister and the Greek Government. The

* Referred to as "a certain Dino or Constantino." See "Greece No. 7," page 5.

brigands asked to see his instructions, and Théagénis allowed them to read them, in conformity with his instructions approved of by Mr. Erskine. To nothing would they listen of the offers made to them. I shall not trouble you by repeating any part of the horrible language and the threats of the brigands, threatening at times to kill forthwith both their prisoners and Colonel Théagénis. Thus, after several hours of painful and fruitless discussion with these fiends, Théagénis left them and returned to Marcopoulo and made his report to the Government. The next day Colonel Théagénis received orders to approach Oropos and still endeavour to persuade the brigands to accept the propositions of the Government; but before he could communicate with them they had left Oropos and crossed the River Asopus, notwithstanding their having promised to remain in Oropos the whole of that day. The brigands being now in flight (contrary to what was expected), they were of course followed by the troops, but not fired upon, as orders had been given by Théagénis not to fire on them, if possible to avoid it, in order not to endanger the lives of the prisoners; and the troops following the brigands scrupulously obeyed their orders and did not fire on them. Affairs were in this state until towards evening, with every now and then a shot fired by the brigands (from a distance) and answered in like manner by a shot in the air from some detachment of the troops. But at length the brigands suddenly murdered Mr. Herbert and Mr. Lloyd, upon which the nearest troops became furious and immediately attacked the brigands, of whom seven were killed and five made prisoners, the brigands during the skirmish murdering their two remaining prisoners. Heavy rain now fell, and the approach of night and darkness facilitated the escape of the surviving brigands. Here it is necessary to point out that the troops who finally attacked the brigands on their murdering their prisoners were troops who had been for some weeks stationed at the village of Dilessi, to which the brigands were approaching in their flight, and not part of the troops who were following the brigands at a distance.

I hope now, dear Mr. Gladstone, that I have satisfactorily pointed out that Colonel Théagénis has in no way whatever merited the abuse that has been heaped on him. He nobly and voluntarily risked his life in the endeavour to save the lives of our countrymen, and his reward has been vituperation, but which naturally recoils on the calumniators. I hope you will excuse me for writing you such a long and tiresome letter; but my feelings have been most seriously wounded on finding that a truly brave and honourable man, after having risked his life in the endeavour to obtain the release of our unhappy friends and countrymen, should have met with such treatment: and where, need I say where? Always anxious for your good opinion and that of my countrymen, I wished to assure you that no officer or other individual near my person has been in the slightest degree the most remote cause of the melancholy catastrophe we all so deeply deplore.

Inclosure in No. 4.

Memorandum respecting Lieutenant-Colonel Théagénis.

LIEUTENANT-COLONEL THEAGENIS is a gentleman of good family, living in Thebes with an amiable family of a wife and two daughters and one son. The hospitality of his house is well known to many of our friends and countrymen who have passed through Thebes. He was highly esteemed by the late and the present Lord Lyons, by the late Sir Thomas Wyse, and by the Honourable Mr. Scarlett, and he enjoys the high opinion of the British Minister at present in Athens, the Honourable Mr. Erskine, and of his own countrymen in general. Colonel Théagénis distinguished himself during the war for the emancipation of Greece, and on one occasion in a most remarkable manner, on which I had the pleasure of becoming acquainted with him, and as follows:—In the year 1827, whilst as Commander-in-chief of the armies of Greece, I was endeavouring to relieve the Acropolis of Athens, then closely blockaded by the Turks, and in which the garrison was reduced to the last extremity from the want of provisions, the Greek troops shut up therein were naturally anxious to communicate to me their desperate position in the hope of being relieved if that was possible; but how to communicate with me was the question, as the Acropolis was on every side closely blockaded by the Turks. In this forlorn state of their affairs Théagénis offered his services to pass through not only the Turkish lines round the Acropolis, but also the camp of the Grand Vizier, Kioutaki Pasha, close at hand, in order to come to me in my camp of the Phalerum. This most dangerous mission Colonel Théagénis happily effected passing by night through the Turkish army, and closely hiding himself by day amongst the ruins of the town of Athens, or in the ditches of the fields in the vicinity, and on the fourth day he joined me barefoot and nearly famished. This noble feat astonished everybody at my head-quarters, and as

you will readily believe gave me a high opinion of him, and which I have never had reason to change.

(Signed) R. CHURCH.

Athens, June 11, 1870.

No. 5.

Earl Granville to Mr. Erskine.

Sir,

Foreign Office, July 7, 1870.

I TRANSMIT to you the accompanying copy of a Memorandum which has been received at this office from Earl de Grey and Ripon, containing observations respecting the instructions issued by the Greek Government to Lieutenant-Colonel Théagénis in regard to the brigands, and I have to request you to cause inquiry to be made into this matter, in order to clear up the points therein referred to.

I am, &c.
(Signed) GRANVILLE.

Inclosure in No. 5.

Memorandum by Earl de Grey and Ripon.

IT is evident from the letter addressed by Lieutenant-Colonel Théagénis to M. Zaïmis on the ^{2nd}/_{14th} June (Inclosure in No. 6, Parliamentary Papers No. 18, pages 4, &c.), and, indeed, it was plain before, that the orders sent by the Greek Government to Lieutenant-Colonel Théagénis on the ⁸/₂₀th April made a material alteration in the previous instructions of that officer, and led to the military dispositions which occasioned the death of the captives.

I understand that it is believed that the letter from M. Zaimis to Lieutenant-Colonel Théagénis, which is given at page 4 of the Parliamentary Papers No. 3 (Inclosure 5 in No. 1 of those Papers) contains the orders of the ⁸/₂₀th April, although no date is given with the letter, and the despatch from Mr. Erskine, in which it is inclosed, does not state on what day it was written.

There is nothing in that despatch of Mr. Erskine's (21st April, No. 1 in Parliamentary Papers No. 3) to prove with certainty whether he was shown these orders before they were issued, or was consulted about the change which they involve in Colonel Théagénis' previous instructions. Mr. Erskine in that despatch says that "before starting Colonel Théagénis received his instructions from the whole Cabinet in my presence;" but Colonel Théagénis "left Athens on the 19th instant, and reached the neighbourhood of Oropos the same evening," and consequently any orders sent to him on the 20th must have been distinct from the instructions given to him by the Cabinet before he started.

It was the orders of the ⁸/₂₀th April which required Colonel Théagénis "de faire le blocus d'Oropos et d'en empêcher de toute leur force la sortie des Arvanitei avec leur captifs" (Parliamentary Papers No. 3, page 4), "de cerner les brigands à Oropos" (Report of Colonel Théagénis, Parliamentary Papers No. 7, page 14); and it is evident that these orders were very different from the instructions given by the Cabinet to Colonel Théagénis before he set out from Athens.

Of those instructions M. della Minerva speaks in the following terms (Parliamentary Papers No. 9, page 7):—

"However, at the same time, in order to prevent the brigands from carrying out the plan they had formed of taking their prisoners into Thessaly, troops were moved upon all sides, and were so placed as to be at two or three hours' distance from Oropos, where the brigands were. The soldiers received strict orders not to fire if the lives of the prisoners were in any way endangered. The first and most important question was how to save the prisoners."

And (Parliamentary Papers No. 9, page 15) "the principal object of the mission entrusted to him (Lieutenant-Colonel Théagénis) was conciliation, and he was above all to act in such a manner as to spare the lives of the prisoners. These last recommendations were repeatedly given to him *vivà voce* in the presence of myself and of the English Minister."

As an additional proof of the character of the original instructions, it may be stated

that Lord Muncaster always understood that Lieutenant-Colonel Théagénis's orders were to place his troops at a distance of about two hours from Oropos.

The orders of the ^{8th}/_{20th} April, however, directed Colonel Théagénis "d'investir Oropos," (Parliamentary Papers No. 18, page 4), and the whole tenor of Colonel Théagénis's reports and letters places it beyond dispute that in his opinion those orders made a material change in his instructions.

It seems to me very important that we should know distinctly whether the orders of the ^{8th}/_{20th} April were or were not submitted to Mr Erskine *before they were despatched*, and I would strongly urge that a distinct inquiry to that effect should be addressed to Mr. Erskine.

DE G.

July 5, 1870.

No. 6.

Mr. Erskine to Her Majesty's Principal Secretary of State, Foreign Office.—(Received July 15.)

(Extract.)

Athens, July 5, 1870.

M. ZAIMIS said that about 110 persons were already in custody in connection with the affair, many of whom had been weeks, and even months, in prison, and who might be perfectly innocent of the offences laid to their charge.

I replied that it was of course always to be regretted that innocent persons should suffer, but that this was due to a faulty system of procedure, and could not justly be laid to the charge of Her Majesty's Government. That as far as we were concerned, the sooner the inquiry was closed, the better pleased we should be; but that he must surely know that there were still many points requiring elucidation, and that there was no immediate prospect of Her Majesty's Legation being able to acquiesce in the termination of the preliminary inquiry.

No. 7.

Mr. Erskine to Her Majesty's Principal Secretary of State, Foreign Office.—(Received July 15.)

Sir,

Athens, July 7, 1870.

I HAVE the honour to inclose herewith copy of a despatch from Her Majesty's Consul at Patras, reporting the execution of brigands at Psilalonia and Pyrgos.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 7.

Consul Ongley to Mr. Erskine.

Sir,

Patras, July 4, 1870.

I HAVE the honour to inform your Excellency that this morning the brigand Zitras, of the band of Costandelos, was guillotined at Psilalonia.

The charge against him was, that he had formed one of those who had carried off the son of M. Focca in June 1867.

A large crowd was assembled to witness the execution, one of whom threw a stone at the executioner.

At Pyrgos the brigand Parascheva was executed last week.

We have nothing positive about the remains of Mazera's band; but it is said to be between Corinth and Argos.

The gun-boat "Afroessa" proceeds at once to Lepanto, where the service of the executioner will also be put into requisition.

I have, &c.

(Signed) A. L. ONGLEY.

Mr. Erskine to Earl Granville.—(Received July 22.)

My Lord,

Athens, July 14, 1870.

HAVING been informed by Count della Minerva that he had learnt from M. Zaïmis that the Government expected to be able to order the pending judicial investigation as to the murders at Dilessi to be definitively closed on the 13th instant, I questioned M. Zaïmis as to his intentions on this head. He did not deny that he had made some such statement to M. della Minerva, but he said that he had since been informed by the Minister of Justice that the Reports of the Procureur du Roi at Chalcis had not yet been received, and that it would, consequently, be impossible to fix any day for the close of the proceedings—not only until those Reports had been received, but until they had been carefully examined by the Procureur du Roi here, who has charge of the whole preliminary inquiry; and also by Mr. Cookson, as representing Her Majesty's Legation.

I think it right to mention this conversation to your Lordship, as it is very generally believed here, and has even been asserted in the inclosed paragraph from the semi-official paper, that an early day has been fixed for the close of the inquiry.

I have, &c.

(Signed) E. M. ERSKINE.

Inclosure in No. 8.

Extract from the "Courrier d'Athènes" of July 10, 1870.

LES enquêtes auxquelles ont donné lieu les actes de brigandage et les crimes de la bande des Arvanités touchent à leur fin, et suivant ce que nous avons appris, il est probable qu'elle ne se prolongeront pas au-delà du mois courant. Le Ministère a accompli son devoir envers l'Etat et à l'égard des Gouvernements amis, en leur montrant jusqu'à ce moment toute la déférence possible; mais il doit aussi ne pas perdre de vue qu'il a également des devoirs à remplir envers les citoyens, et qu'une plus longue prolongation de l'incertitude de la situation ne pourrait le justifier. La nation demande qu'il soit enfin pris une décision; car autant elle désire que les coupables soient sévèrement punis, autant elle repousse l'idée qu'il puisse être fait des injustices aux innocents. D'ailleurs personne ne peut contester que des intérêts plus généraux du pays n'aient à souffrir de cet état d'indécision, s'il devait se prolonger indéfiniment.

(Translation.)

THE inquiries to which the acts of brigandage and the crimes of the band of the Arvanitei have given cause are approaching their termination; and, according to what we have learnt, it is probable that they will not be prolonged beyond the present month. The Ministry has accomplished its duty towards the State, and also with regard to the friendly Governments, in showing to them up to the present time all the deference possible; but it ought also not to lose sight that it has equally its duties to fulfil towards its own citizens, and that a longer prolongation of the state of incertitude could not be justified. The nation demands that a decision should be taken; for as much as it desires that the guilty should be severely punished, the more it repels the idea that it can do injustice to the innocent. Besides, no one can contend but that the general interests of the country would suffer from this state of indecision, if it was indefinitely prolonged.

No. 9.

Mr. Erskine to Earl Granville.—(Received July 25.)

My Lord,

Athens, July 16, 1870.

IN reply to your Lordship's despatch of the 7th instant, transmitting to me a copy of a Memorandum by Earl de Grey and Ripon respecting the instructions given by the Greek Government to Colonel Théagénis, I have the honour to state that—

1. The letter to Lieutenant-Colonel Théagénis, of which a translation is given at page 4 of the Parliamentary Papers No. 3 (Inclosure 5 in No. 1 of these papers), contains the orders given by the Greek Government on the $\frac{8}{20}$ th April: the letter in question was originally sent to me precisely in the shape in which it was forwarded to Her Majesty's Government, that is to say, undated and unsigned, and it was not until some time afterwards that the lithographed translation inclosed herewith was communicated to me by M. Valaority; this paper, as your Lordship will observe, is signed by all the Ministers, but it is erroneously dated the $\frac{9}{21}$ th April, the original letter in Greek, now in the hands of Colonel Théagénis, being dated the $\frac{8}{20}$ th April, as must obviously have been the case, since it was received by him at Marcopoulos at 4 o'clock in the morning of the $\frac{9}{21}$ th April.

2. A draft of the instruction in question was communicated to M. della Minerva and myself at my house, before it was despatched to Colonel Théagénis by M. Spiliotaki, the Secretary-General of the Foreign Department, who explained that the Government were anxious that it should be sent off immediately because there was every reason to suppose that the prisoners were about to be removed to Thessaly.

I was of course always aware that sooner or later it would be necessary, in carrying out the plan to which we had assented, that Oropos should be surrounded by troops. But I did not know when Colonel Théagénis left Athens that he was to be placed in command, and I think it is clear from the Colonel's own correspondence that he also was unaware of the intention. Of course, therefore, it became necessary to furnish that officer with fresh instructions, and I confess that, although I was somewhat startled when they were communicated to me, I did not feel as much alarmed as I otherwise should have done, because I fully believed in his humane and conciliatory intentions, and their purport was that, although the brigands would not be allowed to leave Oropos, they were still to be offered the ransom agreed upon, and were to be at liberty after the release of the prisoners to go where they pleased.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 9.

Instructions addressed to Lieutenant-Colonel Théagénis.

(Traduction.)

M. le Lieutenant-Colonel,

Athènes, le $\frac{9}{21}$ Avril, 1870.

NOUS avons pris connaissance de votre lettre à M. le Capitaine S. Apostolides, dans laquelle vous laissez entrevoir que vous soupçonnez que les Arvanitis peuvent décamper. Nous nous empressons, en conséquence, de vous ordonner qu'en cas de refus par les Arvanitis de remettre les prisonniers, en recevant la rançon stipulée, vous fassiez avancer les troupes et investir Oropos, en donnant ordre aux soldats d'empêcher quand même que les Arvanitis quittent cette position, en emmenant leurs prisonniers. Quand les brigands seront étroitement cernés à Oropos vous leur renouvelerez aussitôt l'offre de recevoir la rançon apportée, de mettre leurs prisonniers en liberté, et de s'en aller ensuite où ils voudront.

(Signé) TH. ZAIMIS.
A. AVIERINOS.
S. SOUTZO.
D. SARAVAS.
S. VALAORITY.
TH. TOMBASI.
TH. P. DELYANNI.

(Translation.)

M. le Lieutenant-Colonel,

Athens, April $\frac{9}{21}$, 1870.

WE have taken note of your letter to Captain S. Apostolides, in which you give us to understand that you suspect that the Arvanitei will decamp. We hasten in consequence to bid you, in case of refusal by the Arvanitei to deliver up the prisoners on receiving the stipulated ransom, to advance the troops and invest Oropos, giving orders to the soldiers

to prevent the Arvanitei in any case from quitting this position, taking away their prisoners. When the brigands are closely surrounded at Oropos, you will renew at once to them the offer that they should receive the ransom brought, place their prisoners at liberty, and go wherever they like.

(Signed)

TH. ZAIMIS.
A. AVIERINOS.
S. SOUTZO.
D. SARAVAS.
S. VALAORITY.
TH. TOMBASI.
TH. P. DELYANNI.

GRECE. No. 19 (1870).

CORRESPONDENCE respecting the Capture and
Murder by Brigands of British and Italian
Subjects in Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING

AFFAIRS IN JAPAN:

1868-70.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON

PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.								Page
1.	Sir H. Parkes to Lord Stanley ..	..	..	..	..	December 2, 1868	1	1
	One Inclosure.							
2.	Sir H. Parkes to Lord Stanley ..	..	..	..	..	January 16, 1869	3	3
	Two Inclosures.							
3.	Sir H. Parkes to Lord Stanley ..	..	..	..	..	January 26, —	4	4
	One Inclosure.							
4.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	March 9, —	5	5
	One Inclosure.							
5.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	April 13, —	6	6
	Four Inclosures.							
6.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	April 13, —	9	9
	Two Inclosures.							
7.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	April 29, —	12	12
	One Inclosure.							
8.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	April 29, —	12	12
	One Inclosure.							
9.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	April 29, —	14	14
	One Inclosure.							
10.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	May 11, —	14	14
11.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	May 13, —	14	14
	Two Inclosures.							
12.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	June 25, —	18	18
	Two Inclosures.							
13.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	June 26, —	23	23
	One Inclosure.							
14.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	June 26, —	25	25
	Three Inclosures.							
15.	The Earl of Clarendon to Sir H. Parkes ..	..	..	..	..	August 25, —	30	30
16.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	July 12, —	30	30
	One Inclosure.							
17.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	July 26, —	35	35
	One Inclosure.							
18.	The Earl of Clarendon to Sir H. Parkes ..	..	..	..	..	September 21, —	26	26
19.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	August 9, —	36	36
	Two Inclosures.							
20.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	August 23, —	38	38
	One Inclosure.							
21.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	August 23, —	39	39
	One Inclosure.							
22.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	September 2, —	40	40
	One Inclosure.							
23.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	September 4, —	41	41
	One Inclosure.							
24.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	September 4, —	43	43
25.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	September 30, —	43	43
	Three Inclosures.							
26.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	October 1, —	47	47
	Four Inclosures.							
27.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	October 8, —	53	53
28.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	October 8, —	53	53
	Two Inclosures.							
29.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	October 8, —	69	69
	Seven Inclosures.							
30.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	October 8, —	72	72
	One Inclosure.							
31.	The Earl of Clarendon to Sir H. Parkes ..	..	..	..	..	December 2, —	73	73
32.	The Earl of Clarendon to Sir H. Parkes ..	..	..	..	..	December 2, —	73	73
33.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	October 20, —	73	73
	One Inclosure.							
34.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	October 22, —	74	74
	Two Inclosures.							
35.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	..	October 23, —	74	74
	One Inclosure.							
36.	The Earl of Clarendon to Sir H. Parkes ..	..	..	..	..	December 16, —	82	82
37.	The Earl of Clarendon to Sir H. Parkes ..	..	..	..	..	December 16, —	82	82

No.						Page
38.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	December 4, 1869	82
	One Inclosure.					
39.	The Earl of Clarendon to Sir H. Parkes..	..	..	..	January 26, 1870	83
40.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	January 29, —	83
	One Inclosure.					
41.	Sir H. Parkes to the Earl of Clarendon ..	..	..	..	January 29, —	88
	One Inclosure.					
42.	The Earl of Clarendon to Sir H. Parkes ..	..	..	..	March 26, —	94
43.	Sir H. Parkes to the Earl of Clarendon ..	..	.	..	April 21, —	9
	Three Inclosures.					

Correspondence respecting Affairs in Japan : 1868-70.

No. 1.

Sir H. Parkes to Lord Stanley.—(Received January 24, 1869.)

My Lord,

Yokohama, December 2, 1868.

I HAVE the honour to report that His Majesty the Mikado entered Yedo on the morning of the 26th ultimo, the journey from Kioto having been performed in safety, and without the occurrence of any obstacle.

As His Majesty passed into Kanagawa on the 24th ultimo, he was saluted by an English and French guard of honour, who were drawn up near the road which leads into Yokohama, and all the vessels of war in harbour fired a royal salute at the moment when His Majesty came in sight of the anchorage.

I inclose a printed description of His Majesty's procession as it entered Yedo, and beg to reserve for another despatch some further observations bearing upon this important event.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 1.

Extract from the Japan "Times" of November 28, 1868.

THE MIKADO'S ENTRY INTO YEDO.—The decisive move of the Mikado's transfer from his seclusion at Kioto to the light and life of Yedo, a move so bold and strange that in its possibility even the best informed foreign observers of the revolution long refused, in spite of clear evidence and strong assertion, to believe—this move has been made at last. On the 4th instant His Imperial Majesty left Kioto, and on the 26th he entered the 'Capital of the Tycoons' in all the pomp of simplicity. It is only by this paradoxical phrase that we can express to European readers the singular feeling inspired in the mind of a spectator of the procession at Yeddo on Thursday last. For those who witnessed the passage of the Mikado through Kanagawa, earlier in the week, this sentiment can hardly have had existence, or must have been immediately crushed by incongruous surrounding circumstances, by the presence of European troops and music, by the ill-regulated and supercilious crowd of foreigners, and the insignificance, numerical and material, of the native spectators. In the capital, there were but half-a-dozen Europeans to witness the entry of His Majesty, a mere speck amongst countless thousands of Japanese; all classes of them, high and low, were present, most of them in holiday apparel, the number of officials and troops in the train was vastly greater, and there was nothing to mar the dignity of the spectacle by contrast of thought or matter. It was essentially a Japanese ceremony, and viewing it, as it was difficult to avoid doing, from a Japanese mental stand-point, it was imposing in the extreme. There was about it that subtle atmosphere which seems to surround a great iron-clad ship-of-war, the appearance of irresistible power in repose; with the difference, that the young Mikado, closely shrouded from the vulgar gaze in the norimon which contained him, was the incarnation, not so much of the force of matter, as of the benignant power of law, of religion, of custom and of a prestige dating from antiquity so remote that its origin was lost in the shadow of the past, centuries before European politics emerged from it. The revolution which has so suddenly broken up, destroyed, almost obliterated the dynasty, the power, the very name of the Shogoons, may probably bring consequences in its train of which its promoters have little dreamed; but it is certain that the blind obedience to the word of their superiors, which is law to them, which is the real foundation of the power of the Japanese hierarchy and nobility, is still paid by the commons; that

their reverence for their temporal and spiritual chiefs is not yet shaken in the least ; that the people is still ignorant of the power which is in it, and that the feudal system has still a long tenure of life and luxury in Japan.

We need say nothing of the long journey of three weeks along the tokaido from Kioto to Sinagawa, that noted suburb of Yedo so long a bugbear to foreigners, occasionally a real source of evil for us. That the road was mended carefully, that the bridges were repaired, that cross streets were barricaded, *débris* of buildings, heaps of building materials and other more unsightly and offensive matter, sedulously shrouded from the unseen eye of the Mikado ; that the upper stories of houses were carefully closed and their windows sealed, that no man should look down on him,—these circumstances surround the march of less important personages in Japan than the Mikado, and have been often described. Nor, in the procession itself, was there much to strike the eye that can see nothing but the surface of things. The march of the Shogoon from Kioto to Yedo in 1865 was more remarkable for the number of his troops, the splendour of the chiefs, their rich armour and strangely blazoned brocades ; the Mikado's train was not in "war-paint," and his power was the more apparent, because it was less displayed.

The Kugés, officers of his Court, were peculiar and noteworthy features of the procession, and were easily distinguishable by the addition to the shoe-shaped head-dress of a Japanese noble, with which the European public is now familiar, of a slip of stiff black crape, semi-transparent, and enriched by a pattern woven in the stuff, about four inches broad and three feet long, stiffened by a wire on each side. This fastened to the back of the head and falling over down the back, like a heron's plume, distinctly marks them out from the Daimios, whose rich state dresses of brocade of various colours are in many other respects similar to theirs. Of these Kugés, there were twenty-one in the train. The Daimios were four or five in number only. Katô Tôtômi no Kami, the Daimio of Ozu in Iyo, led the vanguard. He is one of the Tozama class, an hereditary foe of the old Shogoonate, though of no great power, his revenue being only 60,000 kokus. Katô Noto no Kami, no relation of the preceding, a Daimio of 25,000 kokus, was in command of the main guard. But the principal men in the train, and the best known to us, were the Princes of Bizen and Uwajima : the latter Minister for Foreign Affairs, and the former a chief with a large force at his disposal, several corps of which were in the train. The name of this Daimio will be familiar to our readers in connection with unfortunate occurrences in the beginning of this year at Kobe and Osaka, which we hope will be soon buried in oblivion. His troops were in excellent order, cleanly, fairly drilled, and well armed, mostly with breech-loaders. The immediate body guard of the Mikado, the household troops who preceded and followed his *norimon*, had repeating rifles. Seen in juxtaposition to our own troops, Japanese soldiers look insignificant, weak, mean and paltry. It is probable that they are conscious of their inferiority, and it is certain that the British grenadier regards them with ineffable contempt ; and that these two feelings should both be perpetuated is the best thing for all of us. For if our people are thoroughly confident of their ability to beat Japanese troops at any odds, and the Japanese preserve a wholesome awe of our soldiers, the chance of our ever coming into collision is reduced to a very small one. And it is certainly better, from an æsthetic point of view, that they should be contrasted in public as little as possible. The Japanese soldier, though small, looked imposing in his own native dress, and larger and stronger than he really was. Now, in a dingy, shoddy, black coat, not made, nor apparently meant, to fit him, with the cartouche-box under the garment, instead of neatly belted round outside, and thus giving him the appearance of being humpbacked, and with the protuberant knee and drag of the foot which the wearing of a sandal from childhood necessarily induces, the undersized Japanese looks even smaller, feebler, and less to be dreaded than he is, and our drummer boys look formidable by his side. On Thursday last, however, the Japanese troops had no such overwhelming contrast to struggle against, as on the Tuesday, when they defiled before a guard of honour from a British regiment. They were in large numbers, they were on their own ground, among their own people, they had only marched three or four miles, instead of fourteen or fifteen, and they looked different men. Through the small hours of the Wednesday night, long before dawn, troops were pouring out of Yedo to join and augment the Mikado's escort at Sinagawa, and at daybreak the march of the procession began. The bulk of the soldiery had passed the Japanese Foreign Office, in Takanawa, a district just within sight of Sinagawa, and where a space was set apart for the few foreigners who witnessed the ceremony, by 9 o'clock, and then, after an interval of some half-hour, the head of the train immediately guarding His Majesty and his Court appeared in sight. Without the aid of the pencil, the ever-varying costumes of the Kugés and their attendants, and of other officers of the Imperial household and Court, can hardly be pourtrayed. Many of the Kugés are remarkably handsome men, with faces possessing much character ; but in one particular differing remarkably from the Daimios

and military chiefs, many of whom, too, had striking features—they had, one and all, the sickly pallor of complexion which is the result of sedentary and luxurious life and abstinence from movement in the open air. After about half of these had passed, with their attendants, led horses, guards and baggage, with occasional bodies of troops, came the Prince of Bizen, in charge of two square boxes borne high upon men's shoulders, and covered with a red and yellow damask silk. These were believed to contain the insignia or regalia, and small shrines for their safe custody had been erected at all the halting-places along the road. After these rode Uwajima, the Minister for Foreign Affairs, and then we saw approaching the Hô-ô-ren, or Phoenix Car.

This is a black lacquered palanquin, about 6 feet square, and with a dome-shaped roof; the front is closed only by curtains, and in the centre of each side is a latticed window, through which it was possible to see that it held no one. The Mikado is suppose to travel in it, but has really a more comfortable palanquin. On the summit is a splendid image, apparently of gold, of the Hô-ô, or Phoenix, a fabulous bird, with the head and body of a peacock and the spreading, plume-like tail of the magnificent copper pheasant of Japan, turned up over its head. From the four corners depend red silk ropes two inches thick, held each by three men. These and the bearers of the car, which is carried high upon their shoulders, and on a frame which raises its base some six feet from the ground, were on Thursday all dressed in bright yellow silk, and wore a curious circular ornament of feathers at each ear, eight inches in diameter, like two out-spread fan-frames placed together. There were fully sixty of them immediately surrounding the Hô-ô-ren, and the effect of the group with the brilliant sun lighting up the sheen of the silk and the glitter of the lacquer, was very gorgeous and indescribably strange, comparable to nothing ever seen in any other part of the world. And now a great silence fell upon the people. Far as the eye could see on either side, the roadsides were densely packed with the crouching populace, in their ordinary position when any official of rank passes by. And as the train has moved between them, Kugés and Daimios, troops and warriors and statesmen, they had looked on in comparative quiet, a murmur of conversation in an undertone, and constant slight restlessness of movement, betokening the general interest. But as the Phoenix Car, with its strange crest shimmering in the sunlight, and with its halo of glittering attendants, came on, circling it like the sun-rays, the people, without order or signal, turned their faces to the earth, the Foreign Office officials, who had hitherto stood upright beside us few Europeans, sank into the same position, and no man moved or spake for a space, and all seemed to hold their breath for very awe, as the mysterious Presence, on whom few are privileged to look and live, was passing slowly by. The hush was as that which preceded the 'still, small voice' which the Prophet heard on Horeb; and though we might not do reverence to the Emperor like his subjects, we could not but respect the reverence of his people, nor with all our better knowledge and our higher civilization, could we refuse to own that a Power was in our midst before which bowed millions of our fellow-men.

The Mikado, was not, as we have said, in the Phoenix Car. His norimon, a plain one, made of new wood, and with a black roof studded with his crest, the chrysanthemum, in gold, was borne by a number of men, dressed like those who bore the Hô-ô-ren, and surrounded by eight or ten men in dark crape robes, with the Kugé's head-dress, but on foot. After his norimon came his household and baggage, and the rear-guard, commanded by the Prince of Inaba, closed the procession. The Mikado proceeded to Shiba, one of the Cemetery temples of the Shogoons, to rest, and thence to the Castle. We are told that his residence during his stay in Yedo will be at the former place, but the palace for his reception is not yet completed.

No. 2.

Sir H. Parkes to Lord Stanley.—(Received March 9.)

(Extract.)

Yokohama, January 16, 1869.

I HAVE the honour to inclose translation of a Circular letter, in which the journey of the Mikado to Kioto, and the reasons for which it is undertaken, are communicated to all the foreign Representatives, and also translation of a Decree in which the departure of the Emperor from Yedo, and his intended return, are announced to the Japanese people.

Inclosure 1 in No. 2.

Higashi Kuzé Chiujo to Sir H. Parkes.

(Translation.)

Sir,

January 12, 1869.

HIS Majesty the Mikado having visited his eastern capital, in consequence of the war which has been raging in the north and east, with the object of superintending in person the concerns of Government, and of attending to the interests of his people, peace and tranquillity have now been generally restored on the mainland. The 6th February next is the date of the obsequies to be performed for the late Mikado. It has also been determined that His Majesty shall be married before the end of the Japanese year (10th February, 1869) to the daughter of Ichijô Sadaijin. In order, therefore, that these ceremonies may be performed, His Majesty will start for Kioto some time before the 22nd January, and will revisit the eastern capital in the spring.

I have, &c.

(Signed)

HIGASHI KUZE CHIUJO.

Inclosure 2 in No. 2.

Notification of the Mikado's approaching Return to Kioto.

(Translation.)

HIS Majesty has visited the eastern capital, and personally superintended the affairs of Government. Although his bounty is not yet fully extended to the whole people, but as the country is now in the main restored to peace and tranquillity, His Majesty desires to make known his success to his ancestral temple. He will, therefore, return to Kioto during the first decade of next month. His Majesty intends to come hither again next spring, and all officers of Government will bear this in mind.

By order,

(Signed)

THE EXECUTIVE.

January 10, 1869 (25th day of 11th month).

No. 3.

Sir H. Parkes to Lord Stanley.—(Received March 22.)

My Lord,

Yokohama, January 26, 1869.

WITH reference to my despatch of the 16th instant, reporting the intention of the Mikado to return to Kioto, I have now to add that in fulfilment of this arrangement His Majesty left Yedo on the 20th instant.

The ceremonies attending the departure of His Majesty were much simpler than those which inaugurated his entry into Yedo. All the Japanese vessels in the bay of Yeddo saluted His Majesty as he commenced his journey, and several corps of infantry accompanied him to the outskirts of the city; but after these marks of respect had been paid, it was observed that His Majesty pursued his journey with an escort of not more than 400 or 500 men, and that an ordinary obeisance was all that the people were required to observe as he passed.

I must confess, my Lord, to a feeling of some admiration on observing the sensible and unostentatious way in which this Sovereign—accustomed to think of himself and a long line of ancestors as demi-gods—addresses himself, upon the advice of his councillors, to the practical duties of his new station. No attempt at compromise between his former pseudo sacred and his present secular position appears to be attempted. The object aimed at seems to be that he shall be known as a Sovereign possessing no exceptional or unnatural attributes, but charged with the welfare of some millions of his fellow-beings, whose interests he is to watch over by the aid of national advisers.

A few days before His Majesty left Yedo I witnessed his embarkation in a small steam-yacht of very moderate dimensions, in order to inspect the few Japanese ships then lying in the bay. One of the ships he visited got up steam and conveyed His Majesty a short distance round the bay. I believe this to have been the first time that he had been afloat, and the step involved a marked innovation on previous practice, and even some disregard of native superstition. It seems to be the wish of the Government to prepare the minds of the people for the contingency of their Sovereign going afloat; and on the occasion of his

recent departure from Yedo an order was issued to the different Daimios, of which I inclose a translation, in which it is stated or implied that he would have proceeded by sea in order to accomplish the journey within a certain time, if his yacht had been ready to convey him.

The progress of the Mikado from Kioto to Yedo evidently occasioned anxiety to those who were responsible for his safety, and the people looked on with doubt as to the result. The experience thus gained seems to have effectually allayed both alarm and surprise, as the return journey appears to have been undertaken without effort, and without awakening public excitement. His Majesty will, doubtless, be free in future to travel either by sea or land to any point of his dominions.

I have, &c.
(Signed) HARRY PARKES.

Inclosure in No. 3.

Order issued by His Majesty the Mikado.

(Translation.)

HIS Majesty desires to inform his ancestral tombs of the success gained in the general pacification of the east and north. He returns to the Kioto without his yacht having been got ready, but as the ceremonies connected with the late Emperor's death take place on the 6th of February next, there is no longer sufficient time for him to reach Kioto; he will therefore dispatch an Imperial Envoy to convey his communication, and will pay a special visit to the temple in person after the new year.

By order,
(Signed) KO SEI KWAN.

12th month (January 1869).

No. 4.

Sir H. Parkes to the Earl of Clarendon.—(Received May 1.)

My Lord,

Yokohama, March 9, 1869.

I MENTIONED in my despatch of the 24th ultimo that all the Daimios had been summoned to meet the Mikado on the return of His Majesty to Yedo in April next; and I now inclose copy of the decree calling the assembly, which has been obtained and translated by Mr. Mitford. The object of the assembly as stated in the decree is "to take council in His Majesty's presence upon the means of establishing the foundations of the State," and the summons embraces the Daimios and officers of all classes. To judge from the preparations already being made at Yeddo, it seems probable that the order will be generally obeyed.

I have, &c.
(Signed) HARRY PARKES.

Inclosure in No. 4.

Imperial Edict summoning Daimios to Yedo by the 10th day of 3rd month.

(Translation.)

AS in the early spring His Majesty will again visit the eastern part of his dominions, the Daimios, great and small, together with the other nobles and officers of high degree, are summoned to take council in His Majesty's presence upon the means of establishing the foundations of the State. The Daimios, nobles, and officers of high degree will, in order to carry out His Majesty's intentions, all assemble at Yedo by the 10th day of the third month (21st of April). As some of the provinces are more distant than others, it is the Imperial will that this be borne in mind.

Although the Emperor is aware that, on account of the war which broke out in the spring of last year, great and small have been impoverished and put to great trouble, still the above debates being connected with subjects of vital importance to the country, all to

whom this is addressed will comply with the Imperial will, avoiding all useless or wasteful expenditure and pomp. This is the Emperor's command.

Issued by the Government Office ("Giyo Sei Kwan").

No date. (January 1869.)

No. 5.

Sir H. Parkes to the Earl of Clarendon.—(Received June 4.)

My Lord,

Yokohama, April 13, 1869.

ALTHOUGH it is not easy to follow the proceedings of the leading politicians of Japan in regard to their own internal affairs, it has been obvious for some time past that they have been earnestly engaged in considering among themselves the measures which shall be adopted in order to give power and consistency to the new form of Government. It appears that their deliberations are now producing important results. They have doubtless seen that an effective general Government could not exist side by side with the numerous petty Governments and almost independent powers of the different Daimios. They have, therefore, induced some of the leading men of the latter class to set the example of offering to give up their fiefs, with their jurisdiction and revenues, in order that these may be used to form a general Government administered by the Sovereign with the aid of Ministers and a National Council. The initiative in this remarkable movement appears to have been taken by the clans of Satsuma, Choshu, Fosa, and Hizen, and their reasons for the step are fully stated in the joint memorial, of which I inclose a translation, prepared by Mr. Mitford. Similar representations are being rapidly sent in by other Daimios, and published by the Government as they are received. I add translations of those of Akidzuki Ukio no Suké, Toda Unémè no Sho, and Matsudaira Shosho—three Daimios whose names are almost unknown to foreigners, but who may be regarded in some sense as representative men. The first has been appointed President of the new Parliament, the second belongs to the order of nobles created by the last Dynasty of the Tycoonate, and the third, who is better known as the Prince of Dewa, is one of the most influential of the Northern Daimios who were the last to give in their adhesion to the recent changes in the Government.

On speaking on this subject a few days ago with the Principal Minister of Foreign Affairs, the Prince of Uwajima, he assured me that the Government felt confident that this movement would be attended with success. He added that upwards of twenty of the principal Daimios had declared themselves in favour of it, and that Kaga, who is well known in Japan as the possessor of the largest revenues, and also as the most conservative of his class, was included in the number. The consideration and disposal of so important a question is naturally reserved for the Parliament, which is to assemble in Yeddo in the middle of May.

I have, &c.

(Signed) HARRY S. PARKES.

Inclosure 1 in No. 5.

Memorial of the Daimios of the West.

(Translation.)

IN the humble opinion of certain ministers (*i.e.*, in our opinion) the Great Body (the Imperial Government) must not lose a single day, the Great Strength must not delegate its power for a single day. Since the Heavenly Ancestors established the foundations of the country, the Imperial line has not failed for ten thousand ages. Heaven and Earth (*i.e.*, Japan) are the Emperor's: there is no man who is not his retainer: this constitutes the Great Body. By the conferring of rank and property the Emperor governs his people: it is his to give and his to take away: of our own selves we cannot hold a foot of land: of our own selves we cannot take a single man: this constitutes the Great Strength. In ancient times the Emperor governed the Sea-girt Land, and trusting to the Great Body and the Great Strength, the Imperial wisdom of itself ruled over all: truth and propriety being upheld, there was prosperity under heaven. In the middle ages the ropes of the net were relaxed, so that men toying with the Great Strength and striving for the Power, crowded upon the Emperor: and half the world tried to appropriate the people and to steal the land. Beating, and gnawing, and theft, and rapine, were the order of the day. When

the Great Body that should have been preserved, and the Great Strength that should have been maintained were gone, there were no means left for repressing these evils. Traitors encouraged one another until the strong preyed upon and devoured the weak. The chief traitors annexed province upon province (literally, tens of provinces), while the lesser maintained several thousand retainers. Upon this arose the Bakufu (Government of the Shôguns), which also divided territories and men, as seemed good to it, among private individuals, thus planting and defending its own power. Thus it was that the Emperor wore an empty and a vain rank, and, the order of things being reversed, looked up to the Bakufu as the dispenser of joy or sorrow. For more than 600 years the waters turned from their course have flooded the land and reached to heaven. During this time the Bakufu borrowed the name and authority of the Emperor to conceal the traces of thefts of lands and men, being forced to use the Imperial name as a blind, because the relations and duties of the vassal to his lord cannot be laid aside after ten thousand years. Now the great Government has been newly restored, and the Emperor himself undertakes the direction of affairs. This is indeed a rare and mighty event. We have the name (of an Imperial Government) we must also have the fact. Our first duty is to illustrate our faithfulness and to prove our loyalty. When the line of Tokugawa arose it divided the country amongst its kinsfolk; and there were many who founded the fortunes of their families upon it. They waited not to ask whether the lands and men that they received were the gift of the Emperor; for ages they continued to inherit these lands until this day. Others said that their possessions were the prize of their spears and bows, as if they had entered storehouses and stolen the treasure therein, boasting to the soldiers by whom they were surrounded that they had done this regardless of their lives. Those who enter storehouses are known by all men to be thieves, but those who rob lands and steal men are not looked upon with suspicion. How are loyalty and faith confused and destroyed!

Now that men are seeking for an entirely new Government, the Great Body and the Great Strength must neither be lent nor borrowed.

The place where we live is the Emperor's land, and the food which we eat is grown by the Emperor's men. How can we make it our own? We now reverently offer up the list of our professions and men, with the prayer that the Emperor will take good measures for rewarding those to whom reward is due, and for taking from those to whom punishment is due. Let the Imperial orders be issued for altering and remodelling the territories of the various clans. Let the civil and penal codes, the military laws down to the rules for uniform, and the construction of engines of war, all proceed from the Emperor; let all the affairs of the empire great and small be referred to him. After this, when the internal relations of the country shall be upon a true footing, the empire will be able to take its place side by side with the other countries of the world. This is now the most urgent duty of the Emperor, as it is that of his servants and children. Hence it is that we, in spite of our own folly and vileness, daring to offer up our humble expression of loyalty, upon which we pray that the brilliancy of the heavenly sun may shine, with fear and reverence bow the head and do homage, ready to lay down our lives in proof of our faith.

[*Note.*—This document, the composition of which is attributed to Kido Jiumchirô, formerly of the Choshu clan, is said to have been signed by Kaga, Hizen, Satsuma, Choshu, Tosa, and the other Daimios of the West. The copy from which the translation is made bears no signature.]

Inclosure 2 in No. 5.

Memorial of Prince Akidzuki.

(Translation.)

AFTER the Government had been returned by the Tokugawa family into the hands of the Mikado, the calamity of war ensued and the excellence of the newly established administration has not yet been able to perfect itself; if this continues I am grieved to think how the people will give in their allegiance. Happily the eastern and northern provinces have already been pacified and the country at large has at last recovered from its troubles. The Government of the Emperor is taking new steps every day; this is truly a noble thing for the country. And yet when I reflect, I see that although there are many who profess loyalty none have yet shown proof of it. The various princes have used their lands and their people for their own purposes; different laws have obtained in different places; the civil and criminal codes have been various in the various provinces. The clans have been called the screen of the country, but in truth they have caused its

division. The internal relations having been confused the strength of the country has been disunited and severed. How can our small country of Japan enter into fellowship with the countries beyond the sea? How can she hold up an example of a flourishing country? Let those who wish to show their faith and loyalty act in the following manner, that they may firmly establish the foundations of the Imperial Government.

1. Let them restore the territories which they have received from the Emperor, and return to a constitutional and undivided country.

2. Let them abandon their titles, and under the name of Kazoku (persons of honour), receive such small properties as may suffice for their wants.

3. Let the officers of the clans, abandoning that title, call themselves officers of the Emperor, receiving property equal to that which they have hitherto held.

Let these three important measures be adopted forthwith, that the empire may be raised on a basis unperishable for all ages.

I have heard that Satsuma, Choshu, Toza, Owari, Hizen and others have already adopted this decision. What greater felicity could there be for the country?

Now I who am but a humble minister, not deterred by my own folly and weakness, out of excess of grief for my country, affixing my seal and bowing my head reverently, implore the consideration of the Emperor. Should any of my brethren (the other Daimios) be of one mind with me, I urgently beg them to affix their honoured names and seals to this document.

2nd year of Meiji (1869).

(Signed)

AKIDZUKI UKIO NO SUKE.

[Note.—Prince Akidzuki is the President or Speaker of the Japanese Parliament which is shortly to assemble.]

Inclosure 3 in No. 5.

Statement of Toda Unémé no Sho.

(Translation.)

I HAVE the honour humbly to make a statement. The Imperial Government having been re-established, and the Emperor having taken upon himself the task of ruling, the owls have changed their cry (*i.e.*, wicked men have repented), the grass and the trees have bent to the wind. This has been one day in 10,000 years which it has been our privilege to witness. The land encompassed by the seas has admired and wondered. The territory which my poor clan has hitherto received from the Emperor, I should deeply fear to retain for my own uses, therefore, it is my desire to offer up my lands and my people. I humbly implore the Imperial decision.

1st month.

(Signed)

TODA UNEME NO SHO.

Inclosure 4 in No. 5.

Memorial addressed by Matsudaira Shosho to the Emperor.

(Translation.)

ONCE more the supreme rule has been assumed by your Majesty, and the Four Seas are again united in one great empire. Imperial governors have been appointed over towns and districts. The feudal nobles are following the Imperial example in the treatment of their subjects, in order that all the people may acknowledge with gratitude the benefits arising from the restoration of the Imperial Government.

I have studied the events of the history of our country, and have observed that some five hundred years ago, when the Daimios assumed the government of their territory, they made the land their own, and called its inhabitants their subjects; they forgot that all were the people of the Emperor. Those people, themselves, only knew of one master, their Daimio; they forgot the existence of the Emperor, who rules over all. The evils resulting therefrom are innumerable.

Although your Majesty has repeatedly announced that the separate divisions, whether municipal, feudal, or provincial, should be done away with, and the whole consolidated into one great body of the State, still such extensive measures cannot be realized without great exertion.

Let, therefore, the deeds granting us our fiefs be returned to your Majesty. Let the

people pertaining to our lands be restored to the direct rule of your Majesty, and let the old constitution be revived, according to which the empire was divided into Imperial provinces, and districts governed by the representatives of the sovereign. The whole country, from one extremity to the other, will be filled with feelings of veneration and gratitude for the rule of your Majesty. I humbly suggest that it is only in this way that your Majesty's desire to let the Four Seas become one great house,—one great family for all your servants,—can be attained.

I have long reflected on the best way of carrying out this project; but being yet in doubt, have hitherto hesitated to give expression to my feelings. I have now heard that four Daimios have addressed a memorial to your Majesty, that the direction of the government, as well as the sovereignty, should be all restored to your Majesty, as without this power the ancient laws could not be carried out. They are also reported to have returned the deeds of their territories to your Majesty. The power of granting or of sequestrating lands should be the prerogative of your Majesty. Their memorial is founded on reason, and agrees entirely with my own views. I therefore humbly beg to return the deeds of my lands to your Majesty.

While sensible that the measures should be carried out without delay, I still consider that the principles upon which lands should be assigned, or taken back by the State, should be well considered, otherwise greater evils than those existing would arise. I hope this subject will be allowed to be decided by public discussion in the House of Representatives.

At some future time I shall take the liberty of again addressing your Majesty.

(Signed)

YOSHI AKIRA, *Prince of Dewa.*

February 1869.

No. 6.

Sir H. Parkes to the Earl of Clarendon.—(Received June 4.)

My Lord,

Yokohama, April 13, 1869.

I HAVE mentioned in my previous despatch of this date that a National Council, to which the Japanese have given the name of "Gi-ji-in," or Parliament, is considered indispensable to the new system of government. The establishment of such an institution formed one of the first objects of the promoters of the recent revolution, and was provided for in the following passage in the oath which was taken by the Mikado when he was called upon to resume the powers of government:—"The practice of discussion and debate shall be universally adopted, and all measures shall be decided by public argument."

The formation of such a Council presents at the outset considerable difficulties. The Daimios, who, in most cases, have had but slight experience of the earnest business of life, were not eager to devote themselves to the labours of an onerous and voluntary office, and it became necessary, therefore, to select the first representatives from the leading retainers, who are really the administrators of the affairs of the clans. At first it was proposed that each clan should send one, two, or three members in proportion to the revenues, at which it is specially assessed; but a resolution has now been passed, which provides that each clan shall be represented by a single member, and it is expected that a chamber of upwards of 200 deputies will be formed by this arrangement.

These deputies have been ordered to assemble in Yedo in the course of May, and the Daimios of each clan are also instructed to attend. It remains to be seen in what degree the action of the representatives will be separated from that of their chiefs; or whether the latter will agree to form themselves into another and a higher chamber, and thus take that part in the legislation of the nation to which, if willing to exercise it, they are naturally entitled by their superior rank.

Mr. Mitford has furnished me with two translations which show that considerable attention has already been given to the details of the subject. One of these papers defines the rules of debate; the other provides for the division of the House into committees, and names the special subjects that have to be deliberated on. It is only fair to add that these documents should be regarded as first drafts, which have probably been circulated in order to awaken discussion and to elicit comment; and it may be supposed that experience of the subject will suggest various modifications.

A building has been fitted up for the use of the deputies, who will all assemble for purposes of debate in one chamber.

I have, &c.

(Signed)

HARRY S. PARKES.

Scheme for the Rules and Regulations of the Japanese Parliament.

(Translation.)

THE settlement of the laws of the assembly is the most important duty. Any point not included in those laws must be left to the decision of the President; the assembly cannot charge itself with (providing against) unforeseen and extraordinary cases.

The periods for which members of Parliament will serve is limited to four years. Half the members will be re-elected every two years. Retiring members may be immediately re-elected. New members will enjoy the same privileges as, and rank with, old members. When the time arrives for the first re-election, half the members will retire by lot.

Members of Parliament must have completed their twenty-fifth year.

Members of Parliament may not hold any other office.

Should any member be appointed to another office or retire, a substitute will immediately be elected.

Any member having a motion to propose will hand in the same in writing to the President.

Should any person, not being a member of Parliament, wish to introduce any motion in the House, he may entrust it in writing to the President or to any member.

Statements of motions must be brief and plain. They must have foundation and substance.

The President will receive the various motions and number them; and having copied them in form, will cause them to be printed. The order in which motions will come before the House will be according to the pleasure of the President, and will in no way depend upon the number which they bear.

Six days in every month, the 2nd, 7th, 12th, 17th, 22nd, and 27th, are fixed days of assembly.

On the fixed days of assembly, members will take their places at ten in the morning.

The places in the House will be numbered beforehand, and at the opening of the House members will draw lots for their places, in which they will take their seats accordingly. These numbers will be changed every month.

Every month six officers named Kanji* will be elected from the members of Parliament.

At every meeting of the assembly a printed motion will be handed to each member.

Members having received the printed motion will carry it home, and, after mature reflection, will criticise it, and, at the next meeting, will carry the motion with them, and publicly read out their criticisms. Should any questions be asked of them, as to the reasons of their opinions, they will be prepared to reply.

The order in which members will read out their opinions, or address questions, will be according to the fixed number of their places.

On the second occasion, when a subject comes up for debate, members are not restricted to speaking once. On other occasions they may only speak once.

When a subject has been debated by the members in conclave, any member returning home and again pondering over the subject, and having arrived at a conclusion as to its merits, may take his opinion in writing and hand it to the President at the third sitting.

Papers thus handed to the President will, when the original motion is approved, bear the character *ka*, "aye," in red ink, in the right hand corner. When the motion is disapproved, they will bear the character *hi* "no," in red ink on the left hand corner.

The President having collected the whole opinions of the members, and having duly arranged them, will, should three-fifths or more of the members be in favour of the motion, declare it to be carried, and will request the Emperor's judgment.

Should three-fifths of the members be against the motion, the President will declare it lost, and it will be abandoned accordingly. Where three votes are wanting to make up the three-fifths, the President has the power of deciding the question by his vote.

Should the ayes and the noes together not amount to three-fifths of the members of the house, the debate will be postponed, and resumed at the expiration of one year.

Should three-fifths of the whole house decide that the motion should be heard again in the same year, the motion must be heard again forthwith.

At each assembly there will be three matters to be dealt with: first, the scrutiny of the ayes and noes of the motion, of which notice has been received at the previous

* The functions of these officers are not defined. They appear, however, to be destined as a medium of communication between members of the House and the President, and to assist the latter in conferring with the officers of the Government.

meeting; secondly, the debate upon the motion, of which the ayes and noes have been scrutinized at the previous meeting; thirdly, the receipt of a new motion. These constitute the orders of the day. The President will, however, be competent to introduce variations in the orders of the day.

Should any question before the Parliament have to be referred to the officers of the Government, the debate will be postponed until the next meeting, when the officers of the Government will be invited to attend.

When the officers of the Government attend at the House, the Kanji, or officers of the House, will confer with them. At such conferences the President will attend, and, taking into careful consideration the arguments of both parties, will see that no inconvenience occurs.

The various motions, the results of the scrutinies, and the approval or disapproval of the Emperor, will all be printed.

If, in the course of the debate, the President should strike the board by his side, the House will be silent.

Should any member be prevented from attending, he may delegate a proxy.

A proxy may give his vote for the member who has delegated him.

No member may hold more than one proxy.

No scrutiny of ayes and noes can take place when less than two-fifths of the whole House are present.

Should any mistake occur in the course of debate, the President will correct it. Should he fail to do so he may be called upon to exercise his authority by any member.

Newspapers and street reports are not to be quoted to substantiate statements.

Printed for private circulation.

Office for the enquiry into Parliamentary affairs.

Dragon year, 12th month.

[*Note.*—This scheme has been printed and circulated among the members of the House, as a means of eliciting opinion.]

Inclosure 2 in No. 6.

Memorandum as to the Division of the Japanese Parliament into Committees.

(Translation.)

ALTHOUGH it is assuredly the office of all the members of the Parliament to discuss the laws which are to be promulgated to the people, still as there are a multitude of questions to be considered, which it would be a pity not to treat minutely, as a temporary measure, the framing of the laws will be entrusted to the various members divided into committees, according to the annexed scheme, each member taking up the subject which he feels himself specially qualified to deal with. Every member will choose one of these subjects, to the thorough discussion of which he will diligently apply himself. But although the subjects are thus fixed, there will be no impediment offered to the members of any committee who may have an opinion to offer upon matters outside the province of that committee. Should there be any member who does not feel specially qualified to discuss any one of the subjects, he will not be compelled against his will to enter any of the committees.

As the subjects to be discussed are all of vital importance, it is requisite that the debates should be exhaustive; and with this view, it is desirable that the members of Parliament should be distributed among the several committees as equally as possible.

(Signed) THE PRESIDENT OF THE PARLIAMENT.

Subjects to be treated by the several Committees.

Agriculture.	Public Instruction.
Taxes and Duties.	Publication of Books (Supervision of the Press).
Roads and Communications.	Criminal Laws.
Finance.	Laws to be observed in war.
Foreign Relations.	Military Tributes (Levies of Soldiers, Money, &c.)
Foreign Trade.	Navy.
Mines.	Army.
Weights and Measures.	Works and Repairs.
Internal Commerce.	
Redeeming waste Land.	

No. 7.

Sir H. Parkes to the Earl of Clarendon.—(Received July 1.)

My Lord,

Yedo, April 29, 1869.

I REPORTED in my despatch of the 13th instant* that a National Assembly of Representatives had been constituted, and that they would shortly meet at Yeddo, for legislative and deliberative purposes. The arrangements appear to have been more promptly executed than was anticipated, for the House was opened on the 18th instant, and a message from the Throne, of which Mr. Mitford has furnished the inclosed translation, was then delivered.

I have not yet received particulars of the manner in which this inaugural ceremony was conducted, nor as to the number of the members who are in attendance, but it appears to be generally known in Yedo that they have entered on their new labours.

I have, &c.

(Signed) HARRY S. PARKES.

Inclosure in No. 7.

Memorandum by Mr. Mitford on the Opening of the Japanese House of Representatives.

THE Japanese House of Representatives was opened on the 7th of the 3rd month, April 18, 1869

The Imperial message to the House was as follows:—

“Being on the point of visiting our eastern capital, we have convened the nobles of our Court, and the various princes, in order to consult them upon the means of establishing the foundations of peaceful government. The laws and institutions are the basis of government. The petitions of the people at large cannot be lightly decided. It has been reported to us that brief rules and regulations have been fixed upon for the Parliament, and it seems good to us that the House should be opened at once. We exhort you to respect the laws of the House, to lay aside all private and selfish considerations, to conduct your debates with minuteness and firmness; above all things, to take the laws of our ancestors as a basis. Adapt yourselves to the feelings of men, and to the spirit of the times. Distinguish clearly between those matters which are of immediate importance and those which may be delayed; between things which are less urgent and those which are pressing. In your several capacities argue with careful attention. When the results of your debates are communicated to Us, it shall be Our duty to confirm them.”

The first subject of debate was upon the following question. Every large princely family has attached to it cadet and dependent families:—In the event of the heads of such cadet or dependent houses being attainted of treason or crime, it was proposed that their properties should return to the elder branch, and the guilty person alone be rendered responsible. If the property of an attainted cadet branch be held of the Crown, and not of the elder branch, then the property should revert to the Crown.

On the 22nd of the month (May 3) will be taken the votes of the House, upon the subject of the Daimios' restoration of their principalities to the Emperor.

Yeddo, April 27, 1869.

(Signed) A. B. MITFORD.

No. 8.

Sir H. Parkes to the Earl of Clarendon.—(Received July 1.)

My Lord,

Yedo, April 29, 1869.

A MEMORIAL from the Prince of Kishiu has been published, showing that he has joined in the remarkable movement which I reported in my despatch of the 13th instant,† as having been undertaken by a party of the leading Daimios, with the view of forming a strong central power, by surrendering to the Sovereign their separate estates and jurisdictions.

The adhesion of Kishiu to this movement, conveys with it some importance, when it is remembered that the Kishiu clan is one of the three great houses who were distinguished by special eligibility for the Tycoonate, and who might therefore have been supposed to be attached to the old form of government. It may also be interesting to

* No. 6.

† No. 5.

note in this connection that it was the ex-Tycoon himself who set the example of surrendering power to the Throne; and the opinion probably obtains among the leading Daimios that it would be inconsistent for them to acquiesce in the resumption by the Sovereign of the large revenues which were formerly enjoyed by the Tycoons, without showing themselves disposed to make a similar sacrifice of their rights and powers. The Prince of Kishiu appears sensible of the great difficulties which must attend the execution of such a vast reform; but, like many other Daimios, he seems impressed with the importance of the attainment by his country of a degree of unity and strength which shall enable her to take a respectable place among the other nations of the world.

I inclose a translation of this interesting paper, which has been prepared by Mr. Mitford.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure 1 in No. 8.

Memorial addressed by the Prince of Kishiu to the Emperor.

(Translation.)

YOUR servant Mochihisa bows the head and prostrates himself since your servant returned to his country in the early spring, not fearing his own folly and unfitness, he has been desiring to offer up his opinion as to the foundations upon which the Imperial Government is established. Your servant's memorial has been prepared for some time, although as yet he has not presented it; now, however, he has heard that the four clans, Choshu, Satsuma, Hizen and Tosa have offered to the Emperor lists of their possessions and of their retainers. Your servant considering that in this consists a true return to the ancient form of government, desires also to offer up the lists of his lands and men, and reverently awaits the Imperial decision. The annexed memorial contains the thoughts of your servant's loyal but humble heart, and if perchance it should find favour in the Council of the Court he will esteem himself fortunate. Your servant Mochihisa prostrates himself with fear and trembling.

(Signed) TOKUGAWA CHIUNAGON MOCHIHISA.

To the Benji.

Memorial Annexed.

In the humble opinion of your servant Mochihisa, the spirit of the times has changed, and not only is this the case, but relations with Western nations are daily being opened. These are subjects which cannot be dealt with cursorily, but your servant wishes to display the Imperial Power and to erect it side-by-side with the other countries of the world. The ancient divisions of the country (into Gun and Ken) must be restored. Still this will be attended with difficulties. Now that the Imperial Government has again united the Four Seas, it is to be desired that the ancient system should be reverted to. There could be no greater merit than the planning of such a scheme, no greater work than its execution. But this scheme and this work cannot be carried out without the strength of warriors and of horses. We are beset by grave deficiencies, and these are the difficulties mentioned above. Then it is now essential that the armaments should be placed on a strict footing in order that the foundations of the Imperial Government may be consolidated.

In the first place orders should be issued to all the Princes that they should yield up one-tenth or one-fifth of their lands to be added to the Imperial domain. It is written that the Imperial domain should be a thousand "ri"* square; it is of importance to carry out this principle. If the Imperial domain be a thousand "ri," then the people can be cared for and educated, measures can be taken to attain prosperity and power. If prosperity and power be attained, then can the armies defy the enemy at the Emperor's command, and the affairs of the country be in unison with the Emperor's desires. If this object be attained, then shall we be more than half-way towards establishing the ancient divisions of the country, and further, the perfect scheme and the great work will advance with rapid strides within and beyond the seas. Your servant has spoken his mind loyally it may be presumptuously. Your servant Mochihisa bows his head with fear and trembling.

* The "ri" is about $2\frac{1}{2}$ miles. The quotation is from the Chinese classical books.

Sir H. Parkes to the Earl of Clarendon.—(Received July 1.)

My Lord,

Yedo, April 29, 1869.

THE foreign Representatives have received the inclosed announcement of the second departure of the Mikado from Kioto for Yedo.

It is satisfactory to find that the opposition which is strongly entertained by an old and bigoted party in this country to the absence of the Sovereign from the ancient capital has again been overcome.

On this occasion the Mikado will be attended by the Daijôkwan or supreme governing body, and it is now believed that there is a good prospect of the Government being established at Yedo.

It is well both for native and foreign interests that the administrative powers should be removed from the atmosphere of prejudice and ignorance, which encompasses them at Kioto. A report became current for several days in Osaka that His Majesty had been stopped on his way by a considerable force of rônins and had been obliged to return to Kioto. The rumour is now said to be groundless, but its occurrence is a sign of the opposition which is offered to the advancement to liberal ideas, and which must occasion considerable difficulty to those who are charged with the arrangement of affairs.

I have, &c.

(Signed) HARRY S. PARKES.

Inclosure in No. 9.

The Japanese Ministers to Sir H. Parkes.

(Translation.)

Sir,

April 21, 1869.

HIS Majesty the Emperor has left Kioto on the 18th instant, and will proceed to the temples at Isé along the Tokaido Road and from there continue his voyage to Tokei.

Having received the above, we have the honour to communicate it for your information.

We have, &c.

(Signed) DATE CHIUNAGON.
HIGASHI KUZE CHIUJO.

No. 10.

Sir H. Parkes to the Earl of Clarendon.—(Received July 5.)

(Extract.)

Yedo, May 11, 1869.

I REPORTED in my despatch of the 29th ultimo the departure of the Mikado from Kioto, and I have now to add that His Majesty entered Yedo in state on the morning of the 9th instant.

No. 11.

Sir H. Parkes to the Earl of Clarendon.—(Received July 11.)

My Lord,

Yedo, May 13, 1869.

I HAVE forwarded in previous despatches translations of several of the Memorials presented to the Throne by Daimios who have voluntarily offered to transfer their territories and rights of Government to the Emperor. I now beg leave to add to these the Memorial of the Prince of Unshiu, as this document describes, in expressive language, the manner in which the Daimios became possessed of their powers, and the prejudice thereby occasioned to the authority of the Sovereign, which the writer considers should be re-established on its former basis.

The translations now in your Lordship's hands may suffice to illustrate the arguments used by the Princes in support of this movement, which is rapidly becoming general. By the inclosed Memorandum, which has been prepared by Mr. Mitford, it will be seen that already, on the 16th ultimo, 118 Daimios, representing 12,000,000 of kokus of assessed

revenue, or the equivalent of 24,000,000*l.* sterling, had signified their adhesion to the proposed restoration of power to the Sovereign. The total number of Daimios of all classes is given at 276, and the aggregate of their revenues is estimated at rather less than 20,000,000 of koku*s*. Consequently, on the 16th April the movement was already supported by a majority in point of means, and the fact of no less than thirteen of the eighteen independent nobles ("kokushi") having joined in it, shows that a preponderating influence had at that date been secured in favour of the measure.

The results of these proposals, however, cannot be foreseen until the question is seriously debated at the general councils that are about to be held at Yedo, and to which the Emperor has scrupulously referred every offer that has been submitted to him.

I have, &c.

(Signed) HARRY S. PARKES.

Inclosure 1 in No. 11.

Memorial addressed by the Prince of Unshiu to the Emperor.

(Translation.)

YOUR servant, Sadayasu, in his folly and worthlessness, ignorant of the laws of decorum, dares to lift up his voice in defiance of all propriety. To discuss the affairs of the Government of the Empire is a crime deserving ten thousand deaths. Now I humbly reflect that the Imperial Government has been restored to its ancient form, and that the whole Empire, with its myriad machineries, is united under the rule of the Sovereign. Truly, we must say that, after an interval of 700 years, the foundation has been laid of a reformation which shall last for 10,000 generations. The Emperor issues his illustrious commands, and the millions of the people are purified in the reformation. Hence it is that your servant Sadayasu, disregarding the heinousness of the crime which he is committing, dares to offer up his humble opinion. The affairs of the Empire may be said to have their seasons. Acting in accordance with these seasons, it is easy to perform meritorious actions: it is to these seasons then that we must direct our minds. At the present moment the restoration of the Imperial Government is such a season. The first consideration is that the root of the tree should be firmly planted. The root is the Sovereign power: to restore the Sovereign power to the Emperor is to plant the root firmly. The restoration of the Sovereign power is effected when the whole machinery of the State depends upon the Imperial Government; when the Emperor is venerated as a religion of rule and reformation, which, flowing down to the million of his people, extends throughout the land to the very shores of the sea; and when the people, recognizing the Sovereign as the father and mother of the Empire, reverently receive his commands. In the middle ages the military class curtailed the possessions of the Emperor, and handed down the lands which they had so taken as a heritage to their descendants, until by degrees they created for themselves regal power. At last, in their mutual struggles, the great swallowed up the small, the strong annexed the weak. Each of these (Feudal Princes) supporting their retainers and people for their own selfish purposes, presented the picture of a country divided into petty kingdoms, maintained by force. Thus they opposed and thwarted to the utmost the Imperial commands, so that the people of the remote districts knew not that above all there was one who was the Lord of the myriads and of the millions. How can such a grief be endured? But now that the complex machinery of the State has been renewed, the myriads and millions purified in the the overflowing dews of the deep, benevolence will at once reverently recognize their Emperor; and the roots of the tree will be firmly planted; the roots being firmly planted, the branches and leaves will flourish luxuriantly. How much the more now that friendly relations exist with foreign countries should we place our Divine country under the Sovereign rule, and setting up our one Emperor as the Head of the Universe, and restoring the singleness of the supreme power illustrate its virtue and strength to the four seas. Your servant, Sadayasu, acknowledges with gratitude that, degenerate as he is, he is Chief of the least of all the clans. At a moment so auspicious as the present, how can he refrain from expressing his humble opinion? Cheerfully braving the punishment of the executioner's axe, he dares to lift up his voice. If perchance your servant, who offers up the list of his lands and men to the Emperor, should find favour and his petition be graciously accepted, what felicity could equal this? He prays that the allwise and illustrious will take his humble request into consideration. Your servant, Sadayasu, in fear and awe, bows the head once and again: fainting and dying, he lifts his voice.

1st month, 30th day (March 12, 1869).

Inclosure 2 in No. 11.

Memorandum by Mr. Mitford.

AN analysis of the annexed List, compiled from the Kioto Government Gazette, shows that, up to the 16th April, the memorials of one hundred and eighteen Daimios, begging to be allowed to restore their fiefs to the Sovereign, had been published. The aggregate revenues, on paper, of these fiefs, amount to 12,034,053 koku. The koku is at present worth about 2*l.* sterling.

The party that has joined this movement, which was originated by the Princes of Choshu, Satsuma, Hizen, and Toza, is composed as follows:—

1. Prince Tokugawa Kamenosuke, who succeeded the ex-Tycoon chief of the Tokugawa clan.

2. Of the Gosanke, or three great families, in which the succession to the Tyconate was vested, two have sent in memorials, namely Owari and Kishiu. The third clan, that of Mito, of which Prince Mambu Taiyu (brother of the ex-Tycoon) is the chief, has been for many years disturbed by internal feuds and dissensions, and this may account for its tardiness in joining the movement.

3. Of the eighteen Kokushi, or principal nobles of Japan, only five names are missing on the list. These are Sendai, Awa, Satake, Nambu, and Uyesugi. The Prince of Awa, who has been a firm supporter of the Mikado's party, will probably not be slow in sending in his memorial; and the remaining four are northern princes, who, with the exception of Satake, have until recently been rebels.

4. Only two of the Junkokushi, or nobles next in rank to the above, have as yet joined the movement.

5. Of the Fudai, or vassals of the Tyconate, whose ancestors swore allegiance to Iyeyasu, the founder of the last dynasty before the overthrow of the castle of Osaka, sixty-eight have sent in memorials.

6. Of the Tozama, vassals of the Tyconate, whose ancestors submitted to Iyeyasu after the overthrow of the castle of Osaka, twenty-five have joined the movement.

7. Eight princes, chiefs of cadet branches of different noble families.

During the recent political troubles the two parties, which foreigners have spoken of as north and south, have been regarded by the Japanese as east and west. It is not surprising to find that a movement, originated by the leading members of the western faction has not as yet been generally followed by the princes of the east. All parties are, however, fairly represented in the accompanying list, which shows an amount of power sufficient to compel the less liberally disposed nobles to join in the measure.

The answer returned to the memorials has been the same as that given to the Princes of Choshu, Satsuma, Aizen, and Toza, namely, that the question must stand over until it has been considered by the nobles about to assemble in council at Yeddo.

LIST of Daimios whose Memorials offering up their Lands and Possessions to the Emperor have appeared in the Government Gazette, published at Kioto.

	Revenue.	Rank.	Position of Territories.
Mori Saisho Chiujo, Prince of Choshu	369,000	Kokushi	W.
Shimadzu Shosho, Prince of Satsuma	780,800	Ditto	W.
Nabeshima Shosho, Prince of Hizen	357,000	Ditto	W.
Yamanouchi Shosho, Prince of Tosa	242,000	Ditto	W.
Ikeda Chiujo, Prince of Inshiu	325,000	Ditto	Midland.
Shimadzu Awaji no Kami	27,070	Cadet of Satsuma	W.
Matsudaira Shosho, Prince of Echizen	320,000	Kokushi	N.W.
Hosokawa Chiujo, Prince of Higo	540,000	Ditto	W.
Matsudaira Dewa no Kami, Prince of Unshiu	180,000	Junkokushi	W.
Todo Uneme no Sho	100,000	Fudai	N.W.
Tôdô Chiujo	323,950	Junkokushi	Midland.
Ii Chiujo	250,000	Fudai	Midland.
Hisamatsu Oki no Kami	150,000	Ditto	W.
Hisamatsu Iki no Kami	30,000	Cadet of the above	W.
Oka Echizen no Kami	10,000	Fudai	E.
Arima Chiujo, Prince of Chikugo	210,000	Kokushi	W.
Tokugawa Chiunagon, Prince of Hishiu	619,000	Gosanke	S.W.
Mayeda Saisho Chiujo, Prince of Kaga	1,022,700	Kokushi	W.
Hitotsuyonagi Inaba no Kami	10,000	Tozama	W.

	Revenue.	Rank.	Position of Territories.
Katô noto no Kami	25,000	Fudai	E.
Tokugawa Sammi Chiujo, Prince of Owari	619,000	Gosanke	E.
Doi Awaji no Kami	23,000	Fudai	E.
Honda Shuzen no Sho	60,000	Ditto	E.
Matsudaira Sanuki no Kami	120,000	Ditto	W.
Inaba Jijiu	120,000	Ditto	Midland.
Nagai Hizen no Kami	32,000	Ditto	W.
Yagi Tajima no Kami	10,000	Ditto	E.
Toda Awaji no Kami	10,000	Ditto	N.W.
Naruse Hayato no Kami	35,000	Dependent of Owari	E.
Kuroda Shosho, Prince of Chikuzen	520,000	Kokushi	W.
Matsudaira Dzusho no Kami	50,000	Fudai	W.
Honda Mino no Kami	50,000	Ditto	E.
Sakai Uta no Kami	150,000	Ditto	W.
Nagai Hiuga no Kami	36,000	Ditto	Midland.
Kutsuki Omi no Kami	32,000	Ditto	W.
Aoyama Sakiô no Daibu	60,000	Ditto	W.
Honda Higo no Kami	10,000	Ditto	E.
Yanagisawa Kai no Kami	150,000	Ditto	E.
Mayeda Jijiu	100,000	Cadet of Kaga	W.
Kiyôgoku Hida no Kami	15,000	Fudai	W.
Asano Shôsho, Prince of Geishiu	426,000	Kokushi	W.
Wakebe Wakasa no Kami	20,000	Tozama	E.
Takenokoshi Iyo no Kami	20,000	Fudai	E.
Ota Idzumo no Kami	20,000	Tozama	W.
Ichihashi Shimosa no Kami	18,000	Ditto	E.
Honjô Hôki no Kami	70,000	Fudai	W.
Inaba Sakiô no Suke	56,000	Tozama	W.
Sangoku Sanuki no Kami	30,000	Fudai	W.
Ikêda Tajima no Kami	10,500	Tozama	W.
Ogasawara Sayemon no Jo	22,700	Fudai	W.
Hori Teijirô	30,000	Ditto	E.
Kiyôgoku Sado no Kami	51,500	Tozama	W.
Okôchi Giyobu Taiyu	70,000	Fudai	E.
Kinoshita Yamato no Kami	25,000	Tozama	W.
Honda Tsushima no Kami	10,500	Fudai	E.
Aoyama Daizen no Suke	48,000	Ditto	E.
Tani Daizen no Suke	10,080	Tozama	W.
Matsudaira Mikawa no Kama, Prince of Sakushiu	100,000	Kokushi	W.
Sakai Saki no Shôsho	113,000	Fudai	E.
Sakai Sakiegô no Suke	10,000	Cadet of the above	E.
Toda Tamba no Kami	60,000	Fudai	E.
Uyemura Uzen no Kami	25,000	Ditto	E.
Okabe Mino no Kami	53,000	Ditto	E.
Niwa Nagato no Kami	10,000	Ditto	W.
Kuki Osumi no Kami	19,500	Tozama	W.
Sakurai Omi no Kami	40,000	Fudai	E.
Midzuno Dewa no Kami	50,000	Ditto	E.
Honjô Nunai Shôyu	10,000	Ditto	E.
Matsudaira Noto no Kami	30,000	Ditto	W.
Ogasawara Shinano no Kami	10,000	Ditto	W.
Hotta Buzen no Kami	13,000	Ditto	E.
Doi Noto no Kami	40,000	Ditto	W.
Abe Kazoye no Kami	110,000	Ditto	W.
Hori Nagata no Kami	10,053	Ditto	E.
Honda Kawachi no Kami	15,000	Ditto	E.
Watanabe Tango no Kami	13,500	Ditto	E.
Ishikawa Hiuga no Kami	60,000	Ditto	E.
Inagaki Wakasa no Kami	13,000	Ditto	E.
Ikeda Jijiu, Prince of Bizen	312,200	Kokushi	W.
Ogasawara Toyochiyomaru	150,000	Fuadi	W.
Kurushima Iyo no Kami	12,500	Tozama	W.
Kiyôgoku Shimôsa no Kami	10,000	Fuadi	W.
Arima Totomi no Kami	50,000	Tozama	W.
Matsudaira Sahioye no Kami	80,000	Fuadi	W.
Daikiu Sayemon no Jô	21,200	Ditto	W.
Koide Ise no Kami	26,700	Tozama	W.
Itakura Setsu no Kami	20,000	Fudai	W.
Ikeda Manjirô	25,000	Tozama	W.
Ogasawara Nakatsukasa Taiyu	60,000	Fudia	W.
Ota Setsu no Kami	10,000	Ditto	E.
Makino Buzen no Kami	35,000	Ditto	W.
Misira Gamba no Kami	13,000	Tozama	W.
Magaki Tsushima no Kami	30,000	Fudai	E.
Kinoshita Bicchiu no Kami	25,000	Tozama	W.
Kanô Tôtômi no Kami	51,000	Ditto	W.

	Revenue.	Rank.	Position of Territories.
Wakizaka Awaji no Kami	51,000	Tozama ..	W.
Kuroda Kai no Kami	50,000	Cadet of Chikuzen ..	W.
Naitô Tamba no Kami	20,000	Fudai ..	E.
Akidzuki Nagato no Kami	27,000	Tozama ..	W.
Yamana Inaba no Kami	11,000	Ditto ..	W.
Môri Ise no Kami	20,000	Cadet of Choshii ..	W.
Hitotsuyanagi Tsushima no Kami	10,000	Tozama ..	W.
Matsudaira Idzumi no Kami	60,000	Fudai ..	E.
Aski Mambu Shôyu	10,000	Tozama ..	W.
Ota Yamato no Kami	10,000	Ditto ..	E.
Hori Mino no Kami	15,000	Fudai ..	E.
Itô Harima no Kami	10,300	Tozama ..	W.
Ogasawara Omi no Kami	10,000	Fudai ..	W.
Mori Echigo no Kami	20,000	Tozama ..	W.
Manabe Shimosa no Kami	40,000	Fudai ..	W.
Nagai Shirano no Kami	10,000	Ditto ..	E.
Andô Hida no Kami	38,800	Ditto ..	W.
Yokugawa Shinzammî Chiujo	700,000	Successor to the late Tyeoon, as chief of the Tokugawa clan	E.
Matsudaira Sado no Kami	30,000	Fudai ..	W.
Matsudaira Kadzuye no Kami	10,000	Ditto ..	W.
Mayeda Shigematsu	100,000	Cadet of Kaga ..	W.
Matsudaira Tajima no Kami	32,000	Fudai ..	W.
Mori Tsushima no Kami	15,000	Tozama ..	W.

(Signed)

A. B. MITFORD.

No. 12.

Sir H. Parkes to the Earl of Clarendon.—(Received August 23.)

My Lord,

Yeddo, June 25, 1869.

I HAVE the honour to forward a translation made by Mr. Mitford, entitled "Imperial Precepts, published to the people by the Government of Kioto." In order to promote its circulation, and to allow of its being freely reprinted by those who wish to do so, the people have been publicly informed, in the inclosed notice, which appeared in the Kioto Gazette, that the laws of copyright are waived in the case of this book.

An interesting instance is thus furnished of the endeavours of the Mikado's Government to educate the mind of the nation on the political questions of the day. The intimate connection of religion with politics in a country in which the Emperor is regarded as the Vicegerent of Heaven upon earth, is, of course, obvious. The pamphlet, therefore, treats of both these subjects as matters which scarcely admit of a division. It shows that the worship of the Emperors should form the most prominent article of faith in the mind of a Japanese, and that the same belief should induce the people to observe with implicit reverence the will of the Emperor, whether manifested in matters of internal administration or in the fulfilment of the arrangements he has seen fit to enter into with foreign powers. While professing to maintain the integrity of old institutions, the pamphlet also inculcates, in unmistakeable language, that the present period is one of progress; that Japan is not the world but one country among others; and that, as a principle of religion, violence to foreigners must be regarded as conduct unworthy of a people who trace their descent from the gods.

I beg to recommend to your Lordship's attention the following striking paragraph in the second part of the Treatise:—

"Now, the spirit of the present differs from the spirit of the past. The countries of the world have joined themselves in a relationship of peace and friendship. Steamers are sent round the world heedless of stormy waves or of foul winds. The communication between lands distant ten thousand miles from one another, is as that between neighbours. Country competes with country in producing rifles and guns and machinery, and each revolves plans for its own advantage and profit. Each vies with the other in devising schemes to obtain the mastery; each exerts itself to keep up the strength of its armies; each and every one strives to invent warlike contrivances. But in spite of all this there is a great principle existing all over the world, which prevents civilized countries from being

lightly and lawlessly attacked. This principle is called International Law. How much the more, then, would our divine country, the institutions of which excel those of all other countries, be turning her back upon the sacred precepts established by the heavenly ancestors of the Emperor, should she be guilty of violent and lawless acts. Such a thing would be the greatest shame and disgrace to the country of the gods. Hence it is that the Emperor has extended a faithful alliance to those foreigners who come here lawfully and rightly, and they are allowed free and uninterrupted access to this country. Following this example set by the Emperor, his subjects, when they receive no insult from the foreigner, should observe the same principle, and refrain from blows and fighting. If by any chance we should be put to shame before the foreigner, it is hard to say what consequences may ensue."

Another object of the pamphlet is to reconcile the extreme conservative party to the departure of the Emperor from Kioto. That city is described as the one of all others that is held sacred by the Emperor, and those who remain in it are told that the privilege of residing there should form an additional incentive to their devotion.

The language of the Treatise, of course, partakes of the strained and, to us, extravagant character of Oriental rhetoric; but it is, nevertheless, suited to the people to whom it is addressed. I look upon the publication as an intelligent and judicious effort on the part of the Government to influence the national mind in favour of a more enlightened and liberal rule, in which the foreign relations of Japan will find a suitable place; and I trust that it may be attended with the good effects which it is calculated to promote.

It remains for me to express my appreciation of Mr. Mitford's industry, in bringing this publication to our knowledge by means of his able translation.

I have, &c.

(Signed) HARRY S. PARKES.

Inclosure 1 in No. 12.

Government Treatise on Politics and Religion, published to the People.

(Translation.)

"JIM MIN KOKU YU DAI I."

INTRODUCTION TO PART I.

THIS Treatise, the "Koku Yu Dai I," is published with the object of making known the institutions of the country of the gods and of declaring the intentions of the Imperial Government, and to this end five copies will be distributed to every Kôri or parochial sub-division of every province throughout the country. The officials, and not only they but all well disposed men, will give their earnest attention to this object, and will exert themselves to instruct all persons down to the women and children in the principles of this Treatise.

The privilege of publishing this Treatise has been granted to the Imperial Library of Kioto kept by Murakami Kambei and all persons may freely purchase it.

The above will be made known throughout all the sub-divisions of the Province of Yamashiro.

(Signed) GOVERNMENT OF KIOTO.

"KOKU YU DAI I."

Man is the sublime essence of all things. Between heaven and earth there is no more honourable thing than man. Our country is specially called the Country of the Gods, and of all the countries in the world there is none the institutions of which excel those of our country. Is it not a disgrace past speaking of, that the privileged being called man, who dwells in the excellent country of the gods should pass his life in heedless vanity. Man differs from the birds and from the beast, in that he can discern the laws of reason, and in that he has a heart capable of gratitude and virtue. Loyalty and filial piety are also the essence of the heart of man. He, who in ever so slight a degree is wanting in this heart, has the face of a man but the soul of a beast, and though he be shaped as a man, yet is he even less than the birds and the beasts.

If then a man wishes to fulfil his duties as a man, and having been born in the country of the gods desires not to turn his back upon the spirits of that country, let him above all things bear in mind the privilege of being born a Japanese, and set his heart upon repaying the debt of gratitude which he owes to his country.

We have said that the institutions of the country of the gods excel those of other countries. The heavenly ancestors of the Emperor of old created this country, and established the duties of men in their mutual relations. Since that time the line of Emperors has never been changed. Generation has succeeded generation in the rule of this country, and the Imperial heart has ever been penetrated by a tender love for the people. In their turn the people have revered and served generation after generation of Emperors. In foreign countries the lines of Princes have been frequently changed; the people owe their Sovereign a debt of gratitude which extends over two or three generations; the relations of Sovereign and subject last for a 100 or 200 years; the Prince of yesterday is the foe of to-day; the Minister of yesterday is the rebel of to-morrow. In our country we have no such folly. Since the creation of the world we have remained unmoved; since the creation of the world the Imperial line has been unchanged and the relations of Sovereign and subject have been undisturbed; hence it is that the spirit of gratitude has intensified and grown deeper and deeper. The especial point in which the institutions of our country excel those of the rest of the world, is the creed which has been established by the heavenly ancestors of the Emperor, and which comprises the mutual duties between lord and servant. Even in foreign countries where lords and servants have over and over again changed places, these mutual duties are handed down as a matter of weighty importance. How much the more does it behove us to pay a debt of deep and inexhaustible gratitude which extends over ages.

Is there any man who thinks that he has never received a penny from the Emperor? Is there any man who thinks that he is not beholden to the Emperor for one tittle of help in his need? Is there any man who believes that it is of his own merit that he passes through the world, and who feels not the favours which he has received from his country? If there be such a man great is his mistake. He is like the man in the proverb who is grateful for the light borrowed from his lamp, but is heedless of the thanks which he owes to the moon and to the sun.

The favours which a man receives from his country are so vast as to be without bounds. Reflect carefully upon this. Since it is by the heavenly ancestors of the Emperor that this country was created, there is no single thing existing in the land which is not the Emperor's. At our birth the water in which we are washed is the Emperor's. At our death the ground in which we are buried is the Emperor's. The rice which we eat, the clothes which we wear, the cap which we put on, the staff which supports us, are all the produce of the Emperor's land. Again, the money which enables us to pass through life easily is coined by the will of the Emperor: so that whether we hoard our wealth or give out our coin to meet our daily wants, it is by the help of the Emperor that we are able to transact our business. Further, lest wicked men should hinder us, offices and guard-houses are established in different places. Ruffians and thieves are punished; children may be entrusted to walk abroad with money and no man will rob them; old men and women may be left to watch the house and lawless men will not break in. You plant your fields with rice and your gardens with green things. You set out goods for sale and clothes to dry in your shops and wayside stalls, and no man comes to steal them: this is no small cause of gratitude. If perchance any evil deed should be done, no means are left untried to discover the guilty man, and the Imperial orders are issued to punish him according to his deed.

If there were no such Imperial authority to exercise justice, each man would have to trust to his own strength. The weak would be slain by the strong; the old would be pushed over by the young; rice and money would be seized by force. But since this exercise of justice exists, although a single or double hedge may be easily broken through, there is no need to set guards for there are none to force an entrance, and so we pass our lives in peace and safety.

There are yet further ways in which the generations of Emperors have cared for the sorrows of their people. Remember with reverence that there was once an Emperor who in the cold winter night stripped his clothes that he might know by his own feelings the sufferings of the poor.* When he looked at the rice before him he reflected that the

* This refers to the following anecdote of the Emperor Ichijō (10th century, A.D.), as related in the "Kokushi Riyaku," or abridged History of Japan:—"One cold night the Emperor, his heart full of pity and mercy, stripped off his clothes. The Empress Jōtō, astonished at this, asked the reason. The Emperor answered and said, 'The season is now cold; I think of the poor who are naked. How can I bear that I alone should be covered and warm?' The Emperor Ichijō was distinguished for his knowledge and his love of letters. He excelled in poetry and music."—A. B. M.

grain was planted by the sweat of the farmers, and acknowledged their labours. We must be truly grateful that morning and night the Emperor's prayers have been offered up that his people might be spared from storm and from rain : from famine, plague, and cholera. Nor is it for ourselves alone, nor for our generation only, that our gratitude is due. Since the creation of the world generation after generation of our ancestors have passed their lives under the shadow of their Emperors. How many endless generations of our children's children shall be nurtured under the same gracious protection ?

During the last 300 years the land being at peace, the power of the Emperor was gradually relaxed. Although the Emperor existed, it was as though he were no more. The consideration and love of the Emperor for his people did not reach them : it was arrested in its way. Bribery and corruption flourished ; even good men fell into evil ways, and bad men prospered. The Emperor was greatly afflicted : he neither ate nor rested in peace. Still, however great might be the afflictions which he had to undergo himself, they were as nothing to those which he suffered on account of his people's grief. Now at last the Imperial Government has been restored to its ancient form ; the affairs of the country are placed upon a brilliant basis ; the hearts of great and small are united ; the desires of all men have been accomplished, and men may more than ever pass their lives in peaceful tranquillity. Preserving those institutions in which the Emperor's country excels all other countries, we will illustrate the power of our Emperor to the world. Reverently receiving the Emperor's will, we will humbly obey his commands ; we will set our hearts upon serving him for his sake. Bent upon requiting every particle or hair's breadth of favour received during generations after generations, we will not turn our backs upon our duty as the people of the country of the gods.

1st year of Meichi (1868).

[Printed officially by the Imperial Printers. Published at Kioto by Murakami Kambei and Inaue Jihei ; at Yedo, by Mohei at the Suwaraya ; and Ichihei, at the Idzumiya.]

INTRODUCTION TO PART II.

On a former occasion in the first part of this Treatise we set forth the institutions of the country of the gods, and made known the will of the Imperial Government ; in continuation of this we now publish a second part in which we shall treat of the form and power of the countries of the world, and shall show how the best interests of our divine country may be served. Officials and all well-disposed men will give their earnest attention to this object, and will exert themselves to instruct all persons down to the women and children in the principles of this Treatise.

The privilege of publishing this Treatise has been granted to the Imperial library at Kioto, kept by Murakami Kambei, and all persons may freely purchase it.

PART II.

On the occasion of the Imperial journey to Yedo last year His Majesty took upon himself the direction of the machinery of the State. Up to that time the precepts of the Emperor had not reached the Eastern Provinces of the country. While the accumulated masses of business were only half accomplished, the days and nights had sped swiftly, and the period for the celebration of rites on the third anniversary of the death of the late Emperor had come round. His Majesty accordingly in the first place returned to Kioto, and having concluded the funeral rites and his own marriage ceremony he gave orders for his second visit to Yeddo. Thus does he again subject his sacred person to fatigue, and although it may be said that this is owing to the spirit of the times, yet it is in truth a matter to be grateful for, and the people perceiving the Emperor's intentions should deeply and carefully lay them to heart.

Now the spirit of the present differs from the spirit of the past. The countries of the world have joined themselves in a relationship of peace and friendship. Steamers are sent round the world heedless of stormy waves or of foul winds. The communication between lands distant 10,000 miles from one another is as that between neighbours : country competes with country in producing rifles and guns and machinery, and each revolves plans for its own advantage and profit. Each vies with the other in devising schemes to obtain the mastery, each exerts itself to keep up the strength of its armies, each and everyone strives to invent warlike contrivances. But in spite of all this there is a great principle existing over all the world which prevents civilized countries from being

lightly and lawlessly attacked. This principle is called international law. How much the more then would our divine country, the institutions of which excel those of all other countries, be turning her back upon the sacred precepts established by the heavenly ancestors of the Emperor should she be guilty of violent and lawless acts. Such a thing would be the greatest shame and disgrace to the country of the Gods. Hence it is that the Emperor has extended a faithful alliance to those foreigners who come here lawfully and rightly, and they are allowed free and uninterrupted access to this country. Following this example set by the Emperor, his subjects when they receive no insult from the foreigner should observe the same principle and refrain from blows and fighting. If by any chance we should be put to shame before the foreigner it is hard to say what consequences may ensue.

It is our especial duty to publish to the world beyond the seas the ancient spirit of the country of the Gods and the excellent institutions established by the heavenly ancestors of the Emperor, that the countries of the world may admire and envy the power of our Sovereign. To this end it is above all things needful that the whole of Japan should be penetrated by the Imperial precepts, and that the strength of the country should be united in one whole. Without this it will be hard for the spirit of the country to stand, without this, on the contrary, we shall have to endure the scorn of foreign nations.

Should so much as a hair's end of shame attach to the country of the gods, what excuse can we offer to the long line of Emperors who succeeded their heavenly ancestors. To be the cause of grief to the Emperor is worse than irreverence.

The country districts of the Eastern Provinces are far removed from the capital, and there are persons who, not awed by the will of the Emperor, subject the people, as it were, to torture by fire and torture by water. Terrible as the conduct of such men is, the great mercy and pity of the Emperor's heart acknowledges that their fault is to be laid to the fact that his precepts have not reached them; we see with reverent gratitude that he takes their sins upon himself and that his generous rule spares them. Further, that by the spreading of his precepts all ignorance may cease, he undertakes a long journey, braving the heat and the cold, and exposing his precious person to fatigue.

As far as the extreme limits of the islands of Yezo and of Liukiu the Emperor treats all men who are born on Japanese soil as his own children. He makes no distinctions between men—caressing the one and repelling the other. He looks upon all alike, his mercy extends to all. His compassionate love for his people knows no rest by day or by night. After a while he will be pleased to visit all his dominions. The present capital, Kiôto, has been the Imperial residence for more than a thousand years, and in its sacred ground are buried the ancestors of the Emperor. It follows that of all places that is the place which the Emperor reveres the most. You whose special privilege it is to dwell near this spot, bathed in the dew of the Emperor's deep mercy, reverently acknowledge his will; and penetrated by the sense of this feeling in all matters, humbly obey his commands. Loyalty and filial piety arouse you to observe our upright and excellent institutions. Let each man zealously perform his special duties, that he may relieve the mind of the Emperor of its troubles, and let each man, so far as in him lies, set his heart upon the sacred cause of our divine country.

2nd year of Meichi (1869).

[Printed officially by the Imperial Printers, Yeddo. Published by Mohei at the Swoaraya, in the first ward of the Nihonbashi street, and by Ichibei at the Idzumiya in the Mishima at Shiba.]

Inclosure 2 in No. 12.

Extract from the Government "Gazette" of March 15, 1869.

(Translation.)

THE book called "Kiôto Fu Koku Yu Dai I" (or Imperial Precepts published to the people by the Government of Kioto) will be circulated throughout the cities, clans, and districts for the instruction of the people in matters of politics and religion. Although the publication of pirated editions of other books is strictly forbidden, an exception is made in favour of this book.

Sir H. Parkes to the Earl of Clarendon.—(Received August 23.)

My Lord,

Yedo, June 26, 1869.

MR. VON SIEBOLD has furnished me with the inclosed translation of a pamphlet attacking Christianity and defending Buddhism, which first appeared in 1867, and seems to have been recently republished at Osaka.

I need not point out the interest which attaches to such a translation, as it is evident that native writings must always furnish the best guide to a correct estimate of native opinion. Buddhism, which the writer defends, is not the religion of the State, although freely tolerated, and even allowed a place on certain occasions in state ceremonial. But in order to give intensity to his subject, he endeavours to show that Buddhism has always been a main support of the Emperors, and that the Throne is endangered when that religion is assailed.

The existence of such feelings points to the discretion which should be observed at this stage of our relations with Japan by missionary bodies, and also by foreign Governments in the treatment of any questions that may arise regarding the persecution of native Christians. At the same time there are grounds to hope that in Japan as elsewhere liberality in politics will be followed by liberality in religion; and the bitterness observable in the pamphlet which I now forward may perhaps be attributed to the conviction of the writer that he is advocating a sinking cause. The present Government have shown no disposition to favour Buddhism, but in their character of conservatives and as upholders of the Shin Tô or State religion have directed some of their measures against the temporalities of the former sect.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 13.

(Translation.)

“Kau shiu Rok;” or, “My silent Grief:” Memoir by a Naval Officer of Tosa on the Promulgation of the Christian Faith in Japan.

MOTTO.—“The law of Buddha is as durable as metal, and as unapproachable as boiling water.”—SÔSAN.

5th month (April), 1867.

The Western doctrines of the religion of Jesus have of late been promulgated at the three open ports to an alarming extent. Foreign priests have erected churches and led away our ignorant people from the right path. This practice has been particularly successful at Nagasaki; the peasants of the neighbouring villages of Urakami and Ora are competing with each other to enter into the foreign creed. Common people, as well as the Yeta,* are now professing the religion of Jesus to the number of 3,000.

The foreign religion teaches that all those who believe and follow it will be happy; that those who are poor will become rich; that those who are ignorant will be made clever; that low people will be raised, and the sick will recover health; and, accordingly, that every man's happiness and change to a better condition depend upon his own will and faith. No wonder that people who have once set their hearts on this religion, and believe it firmly, care not for life or death. Their whole mind is concentrated upon one thing, they adore it incessantly with prayers and thanksgiving. In addition, the foreign priests residing at those places have employed gold, silver, and presents, as means of persuasion. They have by these means seduced our poor people, who only followed their evil passions, and have converted them into instruments for deluding other victims. Does the consideration of these facts not give rise to serious apprehensions?

They preach that Jesus was crucified of his own free will, and died for the atonement of the sins of all men. His followers are, therefore, naturally indifferent to life, and look upon dying for their faith as glory to themselves. The more particularly fanatical among them have been known to come forward and offer themselves to die on the cross.

If we examine the fundamental principles of the religion of Jesus we are struck by discovering that it is entirely based upon deceit, immorality, and imposition. In some respects

* “Yeta” is the class of unfortunates excluded from all human society, and performing only the most menial professions, as tanners, executioners, &c. They are extremely numerous near Nagasaki.

its precepts resemble our Buddhistic doctrines. Thus, they contain a doctrine of Retribution in this world and in a future one, a divine guide to happiness, together with threats of hell and damnation for the wicked. It is a religion, however, which works more on the evil passions of mankind [than their moral feelings]. It seduces the common ignorant crowd with a cunning like that of foxes; and it is, therefore, almost impossible to prevent its progress by laws or punishments. In the year Genki Tensho [1570] all those who professed this religion were arrested and severely punished. At that time there were, according to the best accounts, some 300,000 Christians in Japan. Notwithstanding the severity of the punishment inflicted upon them, it was impossible to root out the evil altogether. Eight or nine years ago the Laws as to the practice of Sefumi [the practice of trampling on sacred Christian images] were amended, and now as soon as commerce begins to flourish at the open ports, the old flame of religious fanaticism breaks out again with such power, that its extinction is almost to be despaired of. This is now the case at Nagasaki, and as the opening of Hiogo has been conceded lately, it is evident that the foreign priests will at once rush there, and seize hold of the minds of our ignorant people. The poisoned religion will soon find its way from there to Osaka, and the day when it will have overrun Kioto can be foretold. The evils arising from this are innumerable, and the prevention should not be left to Government alone. Many, many years ago there lived men like Kukai Taishi [a famous priest who propagated the Buddhist religion in Japan], who preached that Shakka [Buddha] himself had set foot on Japanese soil to propagate his creed; and men like Hônen Shonin, who taught us that every one who believed in Buddha was to be saved, and after resurrection go to heaven. Well, indeed, if we had now such wise and far-sighted men, they would soon discover some remedy to the evil applicable to the present spirit of the age; they would expound some irrefutable doctrine of Buddha, by which the new religion would be soon destroyed.

Unfortunately, however, we know, from personal experience, although we are only laymen, that our clergy have nearly all become pleasure-seekers, idle and useless beings addicted to chess-playing, reading poetry, tea-drinking, making bouquets, and given to the vices of wine and women. It is possible that there may be found among them one or two exceptions who follow the precepts of Buddha; but such exceptions would be rare, and would prove to be men who have given up the world, and who have no eye to its government or to the religious education of the people. The tendency of Buddha's religion is to protect all existing domestic and political institutions, but this very fundamental doctrine is but little known. And those who know it and wish to apply it are prevented by Government Laws, which bind them hand and foot. This is a painful fact. The philosophy of Confucius and Mencius is only understood by a few superior minds, some officers, and high functionaries; but the teachings of Buddha are intelligible to every one, even to birds, animals, and plants [alluding to some miracles of Buddha]. Why should human beings not understand it? It is capable of a far more general application than the philosophy of Confucius and Mencius. More than two thousand years have elapsed since its introduction into this country. It has, during all these years, been the main support of the Mikado's Government; it is still so at the present day. See here the great merit of Buddhism. Let us not look upon it as a foreign religion, because it has come to us from India; it is the religion of this country! When, therefore, foreign religion is allowed to increase, as the religion of Jesus is now doing, Buddhism is thrown into great danger. It is still, however, within the power of man to save it. Let the people be warned. Let the followers of Buddha impress the four principles of Buddha upon all men. Let them, without love for life, without desire for wealth or ease, come together and consult the state of the country, examine the public feelings, assemble all sects and tenets, and use, unitedly, every effort to support the Law of the Mikado, which is the Law of Buddha. It is within every man's compass to effect this. Every one who opposes Buddha, and assists the religion of Jesus, is the enemy of Buddha,—that is, the enemy of his country. Let him not dwell under the canopy of heaven, let him be exterminated.

Help must come soon, for the fall of Buddha is very near. The fall of the Buddhist religion is the fall of the Mikado! Alas! whose fault is this? Who has caused this misfortune?

Having given vent to the grief which afflicted us, we must now stop and wait for some wise and virtuous man to appear, by whose brilliant genius alone we can hope to be saved. May some one soon be found to have mercy on our people!

Written at Tdsusaki in Tosa by one of the civil officers of the naval forces.
3rd year of Kei-ô (1867), 7th month.

Postscript [by a friend of the author].—The retainer of Tosa, Nagaska Genkichi, is an officer who has deeply taken to heart the events of the times. Years ago he was my pupil

and studied under me. His straightforward mind loved intensely application to letters. I lost sight of him for thirteen years; when we met again his knowledge had much increased, and his mind had become settled and his opinions decided, and I found him to be an officer whose advice could be depended upon.

He states that Government and the religion of a country are closely united; that Buddhism is the best guarantee for the maintenance of the Mikado's laws. That it is, therefore, wrong to call it a foreign religion. The law of the Mikado and the religion were in ancient days called the "wings of a bird," or the "wheels of a cart." This old saying is very correct.

My friend says that he has now been living in the western provinces, and has witnessed the second rise of Christianity in Japan. He fears that the poison will spread to the Mikado's capital; he would, therefore, be glad to see it crushed in time. He has consulted with his friends and written the results of their deliberations, and called it his "Silent Grief." It is dedicated to all those that are believers of Buddha. It is impossible to alter the feelings of my friend regarding the events which have happened.

Let those who should happen to read this book be convinced by its evident truths, and with faith in Buddha, and without jealousy of the person used as the instrument, persevere together for the fall of the religion of Jesus. Buddha's creed will repel the foreign religion in the end. We must not look upon this as a benefit to Buddhism alone; it is a question which deeply concerns our home and country. It is our support, as necessary as heaven and earth.

This is my postscriptum.

(Signed) . . . SINJITSU T., *Doctor in Bizen.*

Keiwo U, 7th month (1867).

No. 14.

Sir H. Parkes to the Earl of Clarendon.—(Received August 23.)

(Extract.)

Yedo, June 26, 1869.

MR. MITFORD has furnished me with the inclosed Memorandum on the new Parliament, taken from a journal which purports to record the proceeding of the House. I need not observe that time must elapse before these proceedings can assume a definitive shape, or the functions of the assembly be clearly defined. At the present date, and probably for some time to come, it can be regarded as little more than a tentative measure—as the mere germ of an institution which can only be developed by experience, and the ultimate scope of which the earlier promoters of it can scarcely be expected to foresee. Still it already has its use as a vent for discussion. It gives excitable and uninformed men opportunities of expressing their opinions, which sometimes cease to be dangerous as soon as uttered, either because they may be met by other reasoning, or because the mere act of declamation brings with it a degree of relief sufficient to disarm the agitator. Better this than that men should associate as conspirators or brood over grievances, whether real or imaginary.

A singular instance of the advantage which may be derived from the institution, even in its present crude state, is shown by the inclosed paper, translated by Mr. Mitford, and called "Seventeen subjects of inquiry as to the means of washing away the shame of our country in regard to foreign relations." This paper was sent to the House by the Foreign Office, and is to be interpreted, I presume, as an instruction from that Department of the Government of Foreign Affairs. It plainly puts before the House the dangers of hostility to foreigners, and inquires how the consequences of such a fatal policy are to be met if they elect to indulge in it.

Prior to the receipt of this paper the feeling of the House was reported to be unfriendly to foreigners. It was known to comprise among its members many men of the Chinese school of opinion, who had been returned because their knowledge of the Chinese classics gave them claims to a scholastic reputation. The learning acquired in that school as it exists in Japan is unfortunately characterized by pedantry, narrowmindedness, and intense illiberality towards foreigners. The receipt of these questions, however, from the Foreign Office seems to have dismayed the members, as I understand that they tabled the paper and have not made it the subject of debate. They simply find that the questions are unanswerable.

The message of the Government, if it can be so termed, alludes to other important

points. It claims for the administration that degree of authority which is essential to the performance of its functions, namely, supreme judicial powers over life and property, and the right of appointment to or dismissal from office. It also includes in the category of questions an allusion to the Shin Tō or indigenous religion of the State in terms which would seem to indicate that extreme measures in matters of religion are scarcely less unadvisable than the adoption of violence and hostility in the treatment of foreigners.

The Foreign Office has also placed before the House four more important questions relating to the currency, which have been translated by Mr. O'Driscoll. In these the difficult task is suggested to the members of considering the ways and means by which the indebtedness of the country is to be met, and the recent debasement of its coin corrected. The conclusion at which the Government probably wish the House to arrive is that the State must be provided with regular revenues, and that the prerogative of coining must be scrupulously reserved to the Crown.

The subject of the currency, as it affects foreigners, is a very important and intricate one.

In regard, however, to the working of the House, the above instances will show that, although very imperfectly organized, it promises already to prove an useful instrument in promoting the establishment of united and regular Government in this country.

Inclosure 1 in No. 14.

Memorandum by Mr. Mitford on the Proceedings of the Japanese Parliament.

A NEW paper has recently been published at Yeddo, bearing the title "Kōgishō Nisshi" or Journal of the Parliament. Eight numbers have appeared and are on sale. They contain an account of the proceedings of the House of Representatives from its opening to the 12th day of the fourth month (23rd of May).

The subjects which have occupied the attention of the House may be briefly stated as follows:—

1. The confiscated estates of cadet branches of noble houses attainted of treason, shall they be forfeit to the Crown, or shall they be given to the elder branch?

2. In cases of urgent necessity it has hitherto been the custom to extort large levies of money from the farmers and rich merchants. One, Ono Seigoro,* proposes that a national debt on the European model should be substituted for this method of raising money, which he stigmatizes as little better than robbery; that the Government should borrow money from the people on the security of bonds bearing interest at the rate of 3 or $3\frac{1}{2}$ per cent.

The voting upon this measure was as follows:—

Ayes	..	..	..	..	..	..	..	..	123
Noes	..	..	..	..	..	..	..	..	30
For the abolishment of levies, but against the national debt	..	..	..	..	..	..	..	..	32
Against the abolishment of levies, but in favour of the national debt	..	..	..	..	..	..	..	..	2
Total number of votes									187

A majority of ten over and above three-fifths of the members voting being in favour of the Bill, it was carried.

3. In reckoning distances the lands occupied by temples and by the villages of the Eta, or pariah class, have hitherto not been taken into consideration, because these have not been required to furnish coolie labour to the Government. The consequence has been that the "ri," or Japanese mile (equal to about $2\frac{1}{2}$ English miles), often consisted of fifty "cho" instead of thirty-six, whereby the coolies and letters out of horses for hire suffered; it is now proposed that the above lands be taken into reckoning so that the "ri" throughout Japan may uniformly consist of thirty-six "cho."

VOTING:

Ayes	..	..	..	..	..	..	172
Noes	..	..	..	..	..	..	7
Indifferent	..	..	..	..	..	..	13
Total							192

* Ono Seigoro is not a member of the House. He was formerly employed as a writer at the British Legation, where he acquired some knowledge of foreign politics.

4. It is proposed to abolish the practice of bearing familiar names. Also that titles be abolished, and that great and small be known only by their proper personal names. Question not decided.

[*Note*.—Every Japanese in addition to his family name and personal name, which corresponds to our Christian names, bears a third name by which he is familiarly known.]

5. A motion for introducing competitive examinations upon the Chinese principle into the public service.

Several other questions are before the House but have not yet been debated.

(Signed) A. B. MITFORD.

Yedo, June 7, 1869.

Inclosure 2 in No. 14.

Memorandum on the Foreign Relations of Japan, drawn up by the Foreign Office.

Seventeen Subjects of Inquiry as to the means of washing away the Shame of our Country in regard to Foreign Relations.

(Translation.

1. FROM ancient times till the present day the question of opening or closing the country has been a frequent theme of debate. Are the barbarians birds or beasts with whom we ought not to associate? or, seeing that our country is not really rich and strong should we take of their surplus to supply our deficiencies and then sweep them away? or, shall we change our teaching altogether to the Western fashion, opening schools for the acquisition of Western accomplishments, and mastering the arts of gunnery and of ship-building, and when we have done this drive them utterly from the country? or, shall we cut the barbarians down? All sorts of schemes of this nature have been debated down to the present day. If Japan is to be opened shall we keep up our foreign relations as they at present exist, or shall we place them upon a new and different footing?

2. If, it be determined that Japan should be closed ought the foreigners to be expelled with decision, or shall we cut down and slay the foreigners who are living here? and when they come to fight us (in revenge for this), what will be the proper way for us to meet them?

3. If when the foreigners come with their armies to invade us and we have no soldiers ready to oppose them, our people and the Emperor's house fall together to rise no more, what then?

4. If when the time comes for us to struggle with the foreigners, there should be persons to raise the extraordinary argument that we ought not to pit our soldiers and our strength against them, how shall we be able to hold such language?

5. If it be decided to close the ports, when the time comes for us to fight, in what province shall we place our illustrious Imperial house in safety; and how shall we protect it? What will be the result of our precautions?

6. If at the present time there are men who violently murder innocent foreigners, or who coin base money, or who borrow excessive sums of money, yearly and monthly piling up iniquity upon iniquity; when the foreigners shall have taken counsel together, and set their forces in motion to attack our Government, and demand reparation, they will appropriate the open ports, stop our shipping upon the seas, and take possession of our islands, and then how shall we ward them off: what device shall we invent to suppress them?

7. It appears that at the present moment the party in favour of opening the ports are the advocates of Western civilization, while the party in favour of closing the ports advocate the Japanese and Chinese civilization. If one or the other policy is to be adopted once for all, which of these two will it be fitting that we should determine and fix upon?

8. At a juncture like the present how will it answer in the end to make our Shinto religion the religion practised in truth and in fact by the whole people of Japan?

9. When the policy to be pursued is adopted, will that of opening or that of closing the country be best adapted to the spirit of the times, and on which side will the advantage or disadvantage, the gain or loss, show themselves in the end?

10. The object of the Treaties between Japan and other countries was to promote friendship and commerce between our people and foreigners. For the last few years foreign countries have vied with one another in sending their fleets and soldiers to reside in Japan for the protection of their people, should any trouble arise they will send out their troops in a moment to protect the different places at which they reside. At the

present moment there are some 3,000 British troops here. The next in numbers to these are the French. The Americans and other countries have only their fleets. As yet our illustrious and divine country has not been brought into contempt before the foreigner; the present danger is lest we should call upon ourselves that contempt. What is the proper line of conduct for us at present to adopt in order to clear away that danger?

11. Reflecting upon this introduction of troops in accordance with the principles of international law, it is unheard of that soldiers should be stationed in any other places than colonies of the mother-country. During the last few years several tens of foreign merchants have been murdered, and for every man so murdered the foreign Governments have increased their forces until they have reached their present large numbers. As these murders increase they will in the same proportion add to their troops and fortify themselves more and more. What measures shall we adopt to put a stop to this?

12. If as the years and months roll on foreigners continue to be murdered, and in this way foreign forces are augmented until all the ports are filled by them, this will be the greatest pollution and disgrace that could befall our divine country. As it is we bear an evil name before the nations of the world. Animated by the patriotic spirit of samurais of Japan, how shall we wipe out the blot of these misdeeds in sight of the world?

13. The presence of these foreign troops points to the impotence of our Government to preserve peace and to protect native and foreigner. It is proclaimed that, until the power of life and death, of giving and of taking away, belongs to the Government, the troops cannot be sent back to their respective countries. This power of life and death, of giving and of taking away, is the prerogative of the Government. The preservation of peace and the protection of native and foreigner is the very essence of that which is right and proper. The principle of mutual relief and assistance is that upon which Treaties of amity should be observed. At the present moment we have come to such a point that we are tutored by foreign countries as to our own internal policy. What good scheme shall we adopt to blot out this shame?

14. In the days of the Shôgun's Government the power of life and of death, the power of dismissal from, and nomination to, office, was in the hands of low persons.* This caused the restoration of the Government to the Emperor. How shall we guide our chariot clear of the rut in which that which preceded us was overturned?

15. The Representatives of foreign Powers when they go through the streets or in the country are preceded and followed by soldiers; what means shall we adopt to put an end to this irregularity? or shall we take no steps to put a stop to it?

16. It has happened that when the officers or soldiers of the cities, clans and district towns, fall in with foreigners on the high road, disturbances have occurred; what means shall be adopted to punish such offences? or, indeed, has the Government the power to punish them? When foreigners ask these questions how can we give them a true and faithful answer?

17. If it be desired to decide clearly between peace and war, an earnest and determined effort is necessary in either case. If our energies are relaxed for one single step we shall suddenly be precipitated into the misfortunes consequent upon our want of decision, and the power of the Government will fall into the hands of unprincipled persons. Therefore, is it not desirable that the question of peace or war should be decided once for all?

The above questions are of all importance at the present moment. They must be treated with honesty and sincerity, and we earnestly beg you to settle these subjects, conducting your deliberations in accordance with the spirit of the times.

(Signed)

FOREIGN OFFICE.

Inclosure 3 in No. 14.

Financial Statement drawn up by the Foreign Office.

(Translation.)

Four Questions concerning our Relations with Foreigners, which have been submitted to the House for its consideration.

THE establishment of the Mikado's Government is only of recent date. From the time of the Tokugawa Government, however, down to the present moment, the debts which

* This is an obscurely worded allusion to the want of control exercised by the former Government over rônins and lawless persons, who secured for themselves an influence by terrorism. The 14th question points to the Emperor's body-guard and their party.—A. B. M.

have been contracted with foreigners have accumulated to the amount it is estimated of about 6,000,000 dollars (the dollar may be reckoned at a little more than $3\frac{1}{2}$ bus of our currency). Pressing demands have now been made for the payment of this money, but our expenditure, both domestic and foreign, is at present so excessively heavy that we are quite at a loss how to meet these liabilities.

For the affairs of Shimonosiki in Choshu, 3,000,000 dollars were to be paid as an indemnity to England, France, America, and Holland. Of this sum 1,500,000 dollars are yet unpaid.

From the Oriental Bank in Yokohama, 500,000 dollars have been borrowed.

From an English merchant named Alt, upwards of 1,000,000 dollars have been borrowed for the Mint.

Several Daimios contracted debts with foreigners, for some of which the Government has now become responsible to the amount of 230,000 or 240,000 dollars.

If to these be added the amount obtained on the security of the Nagasaki iron-works, and also the various sums due to foreigners on account of the iron-works at Yokoska, the Lighthouse Department, the Mint, the Mining Department, and the Naval Board, the grand total may be estimated in round numbers at about 6,000,000 dollars.

2. In the course of trade, a debased currency, both of gold and silver, has got into circulation throughout Japan. It is calculated that about 30,000,000 riōs of this depreciated coinage have fallen into the hands of foreigners. The holders thereof have made complaints to their Ministers, and have brought money to the Foreign Office demanding either to have it exchanged for money of standard value, or to receive remuneration for their loss. This is estimated at about 6,000,000 riōs. How is this difficulty to be met?

In the 3rd Article of the Revised Treaty Regulations it is stipulated that:—

“The silver ichibu shall weigh 2 momme 3 fun (*i.e.*, not less than 134 grains troy weight) of Japanese standard silver, which shall consist of not less than nine parts of pure silver to not more than one part alloy.”

The above is an extract from the Treaty. This standard coin is a Japanese production, but, nevertheless, it must not be looked at from an exclusively Japanese point of view, that is to say, it must be borne in mind that it forms a medium of exchange in commercial transactions between Japanese and foreigners. In just the same way, for instance, a Japanese when he enters into the service of a foreigner cannot act entirely in accordance with Japanese customs and prejudices. The old Government, therefore, observed the stipulations of the Treaty, and did not exceed the proportion of one part alloy in ten. For some time past, however, the debased coinage has been passed into circulation. The silver ichibus lately issued in Osaka were of notoriously low standard, and the golden nibus were subjected to a still greater admixture of alloy. To these causes the losses incurred by foreigners is entirely due. The officers of the Mint were of opinion that coin issued by Government, no matter of what standard, would naturally become current throughout the country. They held somewhat similar opinions with regard to paper money. This is one of the exploded errors of antiquity.

3. The foreign Ministers may put some such query as the following:—They may say it is a well-known fact that a debased coinage has been issued by the Government, but has not counterfeit money been issued by others also? How can a satisfactory reply be given to this question?

This is in consequence of a current report to the effect that others beside Government are secretly engaged in the issue of golden nibus of a very low standard. If we consider the fact that 30,000,000 riōs have fallen into the hands of foreigners, we are driven to the conclusion that not only has a debased coinage been issued by the old and new Governments, but that large quantities of counterfeit money has been secretly from other places.

4. The issue of gold and silver coin of a low standard by the Japanese Government is contrary to the stipulations of the Treaty. Japanese themselves as well as foreigners are utterly bewildered as to what course they should pursue, and Japan has acquired a bad reputation throughout the world. How then is this disgrace to be wiped away?

The above questions are of the most vital importance to Japan. One Department cannot by exercising its whole strength accomplish the task before us. We wish, therefore, that this entire subject should receive your most careful consideration at an early date.

(Signed) FOREIGN OFFICE.

Whoever has any opinion to offer on the above subject let him declare it immediately.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, August 25, 1869.

I HAVE received and laid before the Queen your despatches of the 25th and 26th June; and I have to instruct you to express to Mr. Mitford, Mr. Von Siebold, and Mr. O'Driscoll my approval of the diligence shown by them in furnishing the translations of the interesting and remarkable papers therein inclosed.

I am, &c.
(Signed) CLARENDON.

Sir H. Parkes to the Earl of Clarendon.—(Received September 7.)

My Lord,

Yedo, July 12, 1869.

A CURIOUS debate has taken place in the Japanese Parliament on two peculiar questions relative to the manner in which foreign trade should be conducted. Firstly, whether Japanese merchants should be allowed to enter into partnership with foreigners; and secondly, whether in the event of such partnerships being allowed, the Government should be responsible for any losses that might be incurred by such mixed associations.

I have no information as to the origin of these singular propositions, further than that the motion was brought forward by private Members, and is to be regarded, therefore, as an instance of independent discussion on their part. Viewed as an illustration of the capacity of the Members and of the tone of the House on the question of foreign commerce, the debate appears to me to possess considerable interest. In judging of it, we have to bear in mind the limited experience of the speakers on commercial matters, and on business generally; and although some of the opinions are crude and absurd, others again are marked by common sense and liberality. The result of the debate is at least creditable to the discernment of the Assembly, for on finding that they were dealing with an inopportune and unpractical question, the Members negatived the motion by a large majority.

I have to thank Mr. Mitford for the translation of this interesting document.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 16.

Report of Parliamentary Debate on Partnerships with Foreigners.

(Translation.)

4th month.

"Kogisho Nishi," No. 11.

THE sixth motion before the House consisted of two proposals relating to the conduct of foreign trade:—

1. It is proposed that Japanese merchants be allowed to enter into partnership with foreigners.

2. Such partnership being lawful, in the event of a firm so established incurring losses, the Government should not be responsible for those losses.

How would it answer to enact a law or laws to the above effect?

Report of the Debate.

Yoda Uyemonjiro.—There would be five evils attending partnerships with foreigners:—

1. They are rich and we are poor, and as they are cunning and we are dull, the gain would all go to them, the loss would all fall upon us.

2. When there is any delay in fulfilling a contract the foreigners reproach our people, and even, it is said, go so far as to beat them. This causes wrangling and disputes.

3. Merchants are unenlightened as to the principles of right and wrong. If our people enter into partnerships with foreigners, they will devise means of bringing trouble upon all merchants outside of their own firm.

4. Should any Japanese member of the firm be guilty of absconding, or the like, the

foreigner would certainly look to the Government to find the guilty man, so that the clause absolving the Government from responsibility would be a dead letter.

5. Our intercourse with foreigners not yet being upon a sure footing, we should beware how we enact bad laws upon such subjects as the one before us.

Hadano Jiyemon, Kitamura Keizō, Ozeki Yoyemon, Arai Kingo, Ora Seigo, Toda Tamotsu, Nasu Kinyemon, Shōda Heikaku, concur in the above opinion.

Takagi Dainoshin.—I am of opinion that it will be time enough for us to discuss this subject when the questions as to opening or closing the country—as to peace or war—which were proposed to us on a former occasion shall have been decided.

Kato Umon, Itobe Kangorō, Yabuki Unoji, Matsuura Kakuji, Kumagai Leizō, Uda Setsanoske, Shiōten Hiyōske, Nishiguni Shirodaiyu, Hisamatsu Shuri, Nonomura Kinyemon, Nakazatō Kōzō, Tanabe Katashi, Matsuzaki Motoyemon, Hachiya Arata, Kondō Monzō, held much the same language as the last speaker.

Hattori Seizaburo.—I think that if, after the permission has been granted in the first place to merchants, it be found to answer, it should be extended to the Daimios and petty nobles. But I think it should be deferred until the question of opening or shutting the country has been thoroughly discussed.

Uchida Rihei, Senzoku Sōbei, and Arima Shuntaro held much the same language as the last speaker.

Mita Shohei.—I am of opinion that discussion as to such partnerships should be deferred until after the revision of the Treaties.

Sawara Junkichi, Shingū Sadayu, Hirai Tōma, Koidzumi Jūdōbei, Kondō Hiyakusuke, Nakagawa Hisō, and Amenomori Renzaburō agreed with the last speaker.

Sakada.—I think that the subject should be reserved until the rules upon which intercourse with foreigners should be conducted shall have been settled.

Sugenōmori Rokurobei, Iwata Sezayemon, Taketa Heinosuke, Yashino Tsukasa, and Mitsuhashi Hajime agreed with the last speaker.

Okada.—I am of opinion that the permission for Japanese to enter into partnership with foreigners might be granted after the foundations of our Government shall have been surely established.

Tomatsu Naniyemon, Mochizuki Tahei, Kodama Geki, Okada Kanyemon, Aoki Sadato, Iwamoto Hanji, Iwamatsu Denzō, Kasama Yenoshin, Shiraishi Mokuyemon, Satō Sakai, Okubo Kingen, and Horiye Kakuyemon agreed.

Akami Tameyemon.—I am of opinion that the question of partnerships with foreigners should be postponed until the foundations of our country are established. But I think an experiment might be made of partnerships among Japanese only.

Koshiha Isao.—Our attention should not be taken up by such trifles as partnership in trade and the like, while the very roots from which the tree of our Constitution is to grow are as yet unsettled.

Kasya Gombei.—I am entirely opposed to partnerships in trade. It is proposed that the Government should be irresponsible in matters relating to trade; but if our country people should be disgraced by the foreigners, could our Government turn its head aside and pretend not to see?

Shimotsu Gonnai.—I am in favour of partnerships in trade, but I think that stringent rules should first be drawn up in order to ensure the punishment of fraudulent persons. Further, as I am aware that in cases of loss it will be very difficult to absolve the Government from responsibility, it will be our first duty to contrive some good plan to that effect.

Sakaguchi Otodo.—If we decide that in cases of loss the Government is to be held irresponsible, the authority in commercial matters will be transferred to the common people, and the result will be that our gold and silver will pass into the hands of foreigners.

Nakano Shingeaki.—If we say that the Government is to be irresponsible in cases of loss, I fear that foreigners will scarcely be eager to enter into such partnerships; accordingly, I think that in cases of loss the Government ought to confer with the foreign Plenipotentiaries. Further, as our people are not yet used to trade, we ought to draw up a minute and particular Treaty in relation to partnerships. Still, as the conclusion of partnerships is but an association of persons of low degree on either side, perhaps so weighty a measure as the conclusion of a special Treaty is unnecessary, and if the terms of the motion are agreed to I shall have nothing further to say.

Masuda Sōtarō.—If our people enter into partnerships with the foreign barbarians, the lust of amassing gain will breed hatred and quarrels. In the event of any loss occurring it is certain that the Government ought not to be responsible.

Osawara Takashi.—If the motion before us should be agreed to, special rules must be

drawn up. The principle of the irresponsibility of the Government is a bad one. And great losses on the part of a firm should immediately be reported to the Government.

Ohara Hiyôbu.—It is all very well to talk of the irresponsibility of the Government in cases of losses. But such losses will give rise to quarrels and disputes, and the Government cannot but interfere. We shall have to lay down stringent and particular rules in the matter.

Matsushita Kayemon.—I think that the motion before us is certainly a good one ; but inasmuch as corrupt merchants are greedy of gain, their covetousness will give rise to disputes and then the Government will of necessity have to interfere.

Kaju Kansuké.—Let us wait until the country is unanimous and until the principles upon which our relations with abroad are to be conducted are developed. Then let us legislate in this matter. In drawing up the rules for mixed partnerships we cannot absolve the Government from responsibility.

Fukui Taisuke.—Although I am not opposed to the measure, I see that if it should be a source of loss to our people, it will breed violation of the laws and will brew shame for our country. The Government must be responsible in such matters. I shall be ready to agree to the motion so soon as rules shall have been drawn up to protect our people from loss.

Asami Tatsuzeyemon agreed with the last speaker.

Tachibana Jirozayemon.—This is a matter which should be delayed for some years. If foreigners were to report to the Government that by reason of having entered into such mixed partnerships they had incurred great losses, the Government would find itself forced to interfere. I am of opinion, therefore, that these partnerships should not be allowed.

Tsurui Hikozaeyemon agreed with the last speaker.

Kobayashi Gizayemon.—Such laws as these may be very good for foreigners, but they will not do for Japan.

Shôda Kozen.—There are in this country knavish traders whose custom it is to lie. These men would heap losses on their foreign partners, and in such cases the Government could not hold itself irresponsible. The most important matter in foreign relations is the establishment of truth and loyalty. Diplomacy does not busy itself about such trivial matters as these.

Takizawa Seigo.—If our merchants are behind the covenanted time in making payments and the like, the foreigners will certainly apply to the Government for compensation, and how can the Government say that it will not interfere? I am of opinion, however, that we should wait to pass this law until we shall have the power of legislating in such a manner as to insure the perfect prosperity of our country.

Higuchi Jiuroemon.—At a moment when the multitude of affairs, both domestic and foreign, is pressing upon us, it is necessary that we should economize our labours. On this account I am opposed to the passing of the measure for introducing partnerships in trade.

Kawanishi Rokuzô.—If Japanese traders should cheat their foreign partners, the latter will certainly persecute us, and the Government will be obliged to interfere. I am of opinion that the matter of partnerships should be put to a practical test among our own merchants, and afterwards we can give official permission for mixed partnerships with foreigners.

Sonoda Tamotsu.—The whole of the imports which come from abroad should be bought up by the Government and sold by auction to the trade. All toys and profitless contrivances should be put on board ship again and be forbidden to enter the country. Secret trafficking on private account should be severely punished. Our exports should be balanced against the imports, and the quantity limited. If we export the produce of our country in excessive quantities we shall suffer from high prices at home.

Takahashi Wataru and Hayakawa Yoichiro agreed with the last speaker.

Narita Sakuyemon.—I am in favour of the Bill ; only the heads of houses must draw up their rules strictly in accordance with international law. It will be impossible to prevent firms from collecting money with a view to purchasing the produce of the ensuing year. But they should not be allowed to accumulate more money than will suffice to purchase the produce which they have in view. Should firms become bankrupt, it is the universal law that Governments should indemnify those firms. In such cases the Government must be responsible.

Okamoto Naoki agrees with the last speaker.

Murata Chiunajô.—Our merchants race after gain, and when they come into collusion with foreigners it is impossible to foresee what unthought-of frauds may arise. The most stringent rules must be published. Mixed partnerships must be under the control of the Foreign Department.

Tominaga Shime and Akimoto Keinojō agreed with the last speaker.

Tsukamoto Kuichiro.—I have nothing special to add to the motion. Mixed partnerships should be allowed so soon as a special department shall have been formed for their control, based upon the principles which have hitherto been observed at the open port of Nagasaki.

Nagasaki Yenshichiro agreed with the last speaker.

Karube Shigiya.—When our merchants shall have gone abroad and obtained a practical insight into trade, it will be time enough for us to settle this question.

Anitake Yemon.—I am of opinion that the principle of partnerships ought to be encouraged by the Government amongst our own wholesale houses, and more especially in the case of post offices. Afterwards we can allow mixed partnerships with foreigners.

Sugiura Makoto.—The present juncture is perfectly favourable for the scheme before us. But there are two omissions in the motion which we should supply as follows :—

1. Our merchants should, upon application, be freely permitted to purchase ships and men of war, to open mercantile establishments at the ports of all foreign countries, and to go and reside there.

2. Although the Government should not be responsible for losses incurred in trade, officers should be stationed at the foreign ports according to international custom, to control our merchants, and to these officers should be entrusted all matters relating to trade.

Okada Yujino.—This is a measure which should be passed. If the Government exerts itself to frame commercial laws, great profit will accrue to the country, and we need be under no apprehension lest the whole commercial power should fall into the hands of the foreigner.

Nakagane Shōhei.—I am of opinion that all classes from the Princes down to the four classes (namely, the military class, the farmers, the artizans, and the merchants) and the priesthood should be allowed to make agreements, and form guilds as quickly as possible. The funds necessary for each company having been determined, great firms should be established at Yedo and at Osaka. After this, when the time comes for establishing small firms, foreigners might be allowed to enter these latter as partners. Certainly, in the first instance, the large firms should be composed of Japanese only. In the beginning it will be necessary that the Government should exercise control over these firms, and officers for the purpose should be selected from among the Hanji and those below them in rank. Laws must be framed absolving the Government from responsibility in matters of loss and gain.

Sakura-Niwa Tajima.—Up to the present time foreign trade has been forbidden at places other than the open ports. All exports and imports have been reported to the Government. The Government must decide as to the exact proportion of useful articles and articles of luxury to be imported. Further, if mixed partnerships should be permitted, it is incontestable that the Government is not responsible in cases of loss ; still, unless the rights and wrongs of commercial law be defined, the Government must inevitably fall into trouble. We must conclude stringent and minute Treaties on this subject.

Hamuro Raisuke.—This is a matter of pressing importance. We ought at once to establish Japanese firms in foreign countries and open a flourishing commerce. This is the foundation of a wealthy country. With regard to the second clause of the motion I have nothing to say.

Takayanagi Yasuzayemon agreed with the last speaker.

Fukui Kenzō.—Since it has been decided to throw open certain ports, it will also be well to allow this measure. In connection with a permission for our merchants to cross the seas and enter into commercial negotiations, we shall have to permit the framing of measures for regulating contracts for ships, cargo, sailors, and the like. With regard to losses incurred in trade, it is out of the question that the Government should be held responsible.

Menju Shōgen.—Persons wishing to enter into mixed partnerships should draw up a document explanatory of the objects and rules of the association, to be presented in the form of a petition to their respective Governments, and if the covenant upon careful investigation be found to be binding and formal, the partnership should be permitted. The rules of the firm must not be in contravention of the Treaties. The Government should not be responsible for the losses incurred in trade.

Kuki Motome.—This measure should be passed. However, although the Government is certainly not responsible for losses incurred in the way of business, still in the case of foreigners incurring losses by the private corruption of their Japanese partners, I am of opinion that it is the duty of the Government to interfere in their behalf.

Usuda Tsukane.—If our relations with foreign countries are on a really friendly footing, mixed partnerships should be allowed. However, although the principle is right that the Government is not responsible in cases of loss, still in the case of heavy losses the foreigners would apply to the Government if they saw anything to lead them to suppose that their Japanese partners intended to abscond, and therefore, before permission is granted for such partnerships, fixed and immutable rules should in the first place be communicated to both foreign and native merchants.

Nagano Jurobei.—At the present moment we have in various ways been almost put to shame by foreigners. If we allow these mixed partnerships, and they lead to great losses for which no means of indemnity are provided, I do not see how the losses so incurred will be able to stop with the merchants.

Shiga Rissaburō.—I believe that a measure permitting our merchants to go abroad and enter into mixed partnerships with foreigners would be a means of restoring the broken fortunes of our country. If the harmony of a firm should be disturbed by quarrels, this will lead in the end to great losses. Although the Government may not be responsible in cases of loss in the way of business, still the failure of our merchants would impoverish our country, and merchants, both foreign and native, should be forbidden to look lightly upon their losses.

Inatsu Wataru.—If merchants do not in very truth observe the provisions of the two clauses of the motion, the Imperial Government will suffer. The reason of this is, that inasmuch as the Government wields the supreme power in commercial matters, petitions and addresses will be sent in to it, and how can it be irresponsible? The time hardly seems to be propitious for passing such a measure.

Akimoto Yosuke.—If this measure be passed, fraudulent merchants will swindle and brew trouble.

Nada Rihei.—All the countries of the West think only of gain. Very stringent rules would have to be drawn up. If the harmony of our foreign relations would be endangered by the rejection of this measure for establishing mixed partnerships, we must needs pass it; but if there be no such fear I am in favour of postponing it.

Sasaki Tetsuyemon.—If our people enter into partnership and contract friendships with foreigners, if they are allowed free commerce until the exports and imports are doubled and re-doubled, cunning merchants will avail themselves of the opportunity to practise frauds and deceits. Even supposing that such partnerships should be for the good of the country, they must decidedly not be permitted.

Nakazawa Kensaku.—We ought to send Consuls and Envoys to foreign countries. Unless our people know by heart the nature of foreign articles of produce—which are plentiful, which are rare; which are good and which bad; which are cheap and which are dear, the establishment of partnerships would only lead to the multiplication of losses, and these losses would end by affecting the wealth and strength of the country.

Heiwa Teizō.—Before allowing these mixed partnerships, I should prefer to see Japan, like an educated and intelligent country, establish laws to regulate trade; it is a matter of the highest importance that the power of fixing the price of merchandize should not be left to the lower classes.

Kiyōsō Hikosuke.—The supreme power in commercial matters rests with the Government and does not descend to the lower classes. If mixed partnerships would not operate to the prejudice of the country, I am in favour of them. Still there is an order and a precedence in all things, and this question of mixed partnerships is not one of immediate importance. I am in favour of the second clause.

Heki Kumajiro.—The framing of commercial laws is a matter of mutual advantage. The supreme power in matters which affect the profits of the country is ever wielded by the Government. This power must not for a single day be transferred to the lower grades of officials or merchants. How much the more should the delegating of such power be avoided at a crisis like the present?

Hirayama Kotarō.—I have nothing to add to the original motion. However, there are merchants in our country who are adepts at knavish tricks. Hence in the matter of mixed partnerships, unless we render any infringement of rights impossible, our country will be put to shame, and the advantage of partnerships will be lost. We must take care that this be from the outset impressed upon our merchants.

Naritomi Shimbei.—I am all in favour of partnerships entered into among Japanese, provided that foreigners be excluded from them. The conclusion of partnerships between Japanese and foreigners would be prejudicial to the country.

Nishimura Sutezō.—This is a matter which should be delayed until we shall have a coinage which shall pass current all over the world. As the strength of foreign countries and of Japan are not equal, in the end we should be injured by the foreigners and this measure would become a source of weakness.

Kuroishi Hotoré.—It is quite right that the Government should not be responsible in cases of mercantile losses. As soon as the Constitution of our country shall have been established, we should extend to our people laws for the regulation of partnerships. Further, if we do not enter into similar agreements with foreign countries, it will be an inevitable source of trouble to us.

Ayabe Seichiro.—If rules have been already drawn up and have passed into law regulating partnerships, we must agree to the measure. But if this is merely a primary measure for permitting mixed partnerships with foreigners of all nations, I am opposed to it as unreasonable. The second clause, which absolves the Government from responsibility in cases of loss, is quite just.

Senno Riyōnosuke.—Agreed with the last speaker.

Moriyasu Shichiyemon.—If once there were to arise any mistake as to an agreement it would be a source of great trouble to the country. It is impossible to absolve the Government from responsibility. As soon as we have established the foundations of our foreign relations and seen how they answer we can allow this measure.

Suzuki Gonsaku.—Unless we draw up stringent rules we shall be as middlemen inviting a bad bride for our country. We must wait awhile before allowing mixed partnerships.

Okamoto Jihei.—As our merchants do not go abroad and establish themselves in the various foreign ports, the profit and the power would fall into the hands of the foreign partners of mixed firms, and this would give rise to disputes.

Tsugawa Yakara.—I am opposed to the motion for mixed partnerships. They would in the end force upon the Government the necessity of interfering.

Result of the Division.

For the motion	..	..	..	..	..	39
Against it ..	..	..	..	..	..	142
Indifferent ..	..	..	..	..	..	7

No. 17.

Sir H. Parkes to the Earl of Clarendon.—(Received September 26.)

My Lord,

Yedo, July 26, 1869.

HAVING mentioned to the Japanese Ministers that His Royal Highness the Duke of Edinburgh might shortly be expected to visit Japan in the course of his tour, I have now received the accompanying despatch, informing me that this announcement had occasioned the Emperor much satisfaction, and that it was the wish of His Majesty to place his seaside palace at the disposal of His Royal Highness during his stay in Yedo.

About two months have intervened since I first spoke of the Prince's visit, and the date of the present communication, but in the meantime no small amount of discussion has taken place among the Japanese Ministers and nobles as to the manner in which this visit should be noticed by the Mikado. The progressive party maintained that the reception by His Majesty should conform, as far as the circumstances of Japan would permit, to the usages of other nations; while their opponents were as ready to denounce as injurious to the Mikado's dignity any advance on His Majesty's part that could be regarded as an admission of equal rank between a foreign Prince of the Blood Royal and the Imperial and heaven-descended family of Japan.

Being of opinion that their resolution whenever taken should not be deprived of the value attaching to a spontaneous offer of courtesy or hospitality, I have carefully refrained from asking for any particular mode of reception, but have simply observed that, while one of a public character would doubtless be regarded by the Queen and people of England as a proof of good-feeling on the part of the Mikado and Japan, I must reserve to His Royal Highness the liberty of making his visit to Japan in a private form if he saw reason to do so, and to myself the right of advising His Royal Highness to decline any proposals in regard to ceremonial that might appear to me to be derogatory to the Prince's rank.

The details of the reception still remain to be considered, but looking to the innovations which such an event involves in some of the most deeply cherished ideas of this singularly constituted Court and people, I have much reason to be satisfied with the friendly attention which has been given to the subject, and the liberality of sentiment which has apparently guided the decision. At an entertainment given me by the Hosho or Prime Minister, on the 24th instant, he assured me that it was the wish of the Mikado

and his Government to make such arrangements as should mark their own good-feeling towards England and also promote friendship between the two countries.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 17.

Date Chiunagon and Terashima Shi-i to Sir H. Parkes.

(Translation.)

Sir,

July 15, 1869.

HIS Majesty the Emperor having been apprised that your honourable country's Prince, on his tour to the many countries of the East, also intends visiting Japan, has been delighted beyond measure; and although our country can offer but poor hospitality, His Majesty would be intensely pleased if your Prince would consent to take up his abode in the gardens of Hama-go-ten, the seaside palace of His Majesty.

Will your Excellency be so good as to report this [to His Royal Highness] on arrival?

(Signed) DATE CHIUNAGON, *Principal Minister for Foreign Affairs.*
TERASHIMA SHI-I, *Assistant Minister for Foreign Affairs.*

No. 18.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, September 21, 1869.

I HAVE received and laid before the Queen your despatch of the 26th July, respecting the intended visit of the Duke of Edinburgh to Japan, and reporting that it is the intention of the Mikado to place one of His Majesty's palaces at the disposal of the Prince during His Royal Highness's stay at Yedo.

I have to instruct you to convey to the Mikado, through His Majesty's Foreign Minister, the acknowledgments of the Queen and the cordial thanks of Her Majesty's Government for His Majesty's friendly and hospitable intentions towards the Duke of Edinburgh.

I am, &c.
(Signed) CLARENDON.

No. 19.

Sir H. Parkes to the Earl of Clarendon.—(Received October 3.)

My Lord,

Yokohama, August 9, 1869.

HAVING observed that the Parliament assembled at Yedo had extended their discussions to questions concerning foreign interests, I recently joined my colleagues, the foreign Representatives, in forwarding to the Government the inclosed *note identique* which was written with the view of gaining some authentic information as to the constitution of this assembly and as to the value that should be attached to their proceedings.

We have now received the inclosed reply informing us, as I understand its tenor, that the object of the institution is to enable the Government to sound public opinion on the various topics of the day, and to obtain the assistance of the country in the work of legislation, by ascertaining whether the projects of the Government are likely to be favourably received. Legislative functions do not appear to have been conferred upon the assembly, and the Government reserve to themselves the right of considering all the opinions sent up to them by the members, whether given singly or collectively, and of determining how far these should be carried into effect.

The mode in which the members of the present assembly were elected was probably more or less arbitrary, as it is understood that they are the nominees of the clique which in most cases governs the territory of each Daimio, while the Daimio himself merely rules in name. The whole character of the institution is necessarily for the time experimental, and it is only by experience of the subject that the Japanese can be expected to learn how improvements may be introduced into its constitution, how elections may best be made, and what degree of power may safely be exercised by such an assembly. Regarded, how-

ever, as a first attempt I think it may be allowed that the institution, even as at present conducted, is not discreditable to the projectors of the scheme.

I lately took an opportunity of pointing out to the Prime Minister, that I had noticed that the members made occasional use in their debates of the offensive word "barbarian" in allusion to foreigners, and I requested that this discourtesy might be discountenanced by the Government. The Prime Minister assured me without hesitation that he had not noticed this practice until I had mentioned it, and that he would take prompt measures to insure its discontinuance.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure 1 in No. 19.

Sir H. Parkes to Date Chiunagon.

Yokohama, July 17, 1869.

IT has come to the knowledge of the Undersigned that an assembly called Kôgi, composed of members elected in the territories of the Daimios, has recently assembled at Yedo by command of His Majesty the Tennô,* and has deliberated and voted on various questions relating both to internal and foreign affairs.

It would have been unnecessary for the Undersigned to have made any reference to the proceedings of this assembly if these had been confined to matters relating solely to the internal administration of Japan, but as the Undersigned has observed that questions affecting the Treaties concluded between foreign Powers and Japan have been brought before the assembly for debate, sometimes by the Government and sometimes by the members themselves, that the assembly has voted upon these questions, and that their debates are published with the sanction or knowledge of the Government, it becomes incumbent on the Undersigned acting in conjunction with his colleagues, the Representatives of the other Treaty Powers, to ask his Excellency for information on the following points:—

1. Is the journal of the assembly published under the authority of the Government of His Majesty the Tennô?

2. Is a motion submitted to the assembly by a Department of the Government or by an officer of the Government, to be understood as an expression of the opinion of the Government?

3. Is the Government of the Tennô bound to carry out a decision of the assembly when arrived at by a vote of a majority of the members?

The Undersigned feels that it would be superfluous to point out to his Excellency that no vote or proceeding of the assembly, whether approved or not by the Government of the Tennô, can be allowed to modify the Treaties already concluded with foreign powers, except with the full consent of the various Governments concerned.

In view of the high importance attaching to this subject, the Undersigned has to urge his Excellency to be so good as to reply to the above questions with as little delay as possible.

The Undersigned, &c. (Signed) HARRY S. PARKES.

Inclosure 2 in No. 19.

Sawa Yemon Gonnoske to Sir H. Parkes.

(Translation.)

Sir,

August 4, 1869.

I HAVE the honour to acknowledge the receipt of your despatch of the 18th June, in which you enter into several questions connected with the late establishment in this country of a House of Parliament (Kôgisho).

The object for which this House of Parliament has been newly established is to frame enactments in all matters connected with legislation, and determine for or against their adoption. However, when measures of domestic and foreign policy are referred to it, the views of each member are discussed and debated, and the decision which is arrived at is referred to the Kôseikwan (Government) for their consideration.

It is true that, even questions affecting our Treaties with foreign powers may be brought forward for discussion, but it is unnecessary for me to explain, that in all such cases it is only after negotiation between the two nations that any measure can be carried into execution.

* "Tennô," literally King of Heaven, a title of the Mikado.

In reply to your three questions I have to state :—

1. The journal of the debates is published under the authority of this Government, and is not printed privately.

2. The subjects of debate are in some instances proposed by members of the House, and in others, founded on petitions from private individuals. In such cases, this Government has no concern with them, but it sometimes happens that subjects are started tentatively, and merely in order to ascertain whether the feelings of the nation are favourable or not; and it is necessary to distinguish these cases from the preceding.

3. Even measures which have received the final approval of the House must be submitted to His Majesty the Emperor for his decision before they can be carried into execution.

(Signed) SAWA YEMON GONNOSKE,
Chiji of Foreign Affairs.

P.S.—Owing to the retirement from office of Date Chiunagon, the above reply to your despatch has been made by me.

No. 20.

Sir H. Parkes to the Earl of Clarendon.—(Received October 18.)

My Lord,

Yedo, August 23, 1869.

I REPORTED in my previous despatches of the 13th and 29th April and of the 13th May that a large proportion of the Daimios had offered to place their lands at the disposal of the Mikado. The question was referred by His Majesty to the consideration of the Council then about to assemble at Yeddo, and after protracted discussion the following result has been arrived at :—

His Majesty has seen fit to accept the offer, and has made known the decision in the inclosed Decree. He has at the same time conferred on all the Daimios the title of Chihanji, which may be translated "Prefect of the Clan," and they will in future govern their respective territories in the name of the Mikado. Many details remain to be arranged as to the employment of their revenues and the degree of authority with which they will continue to be invested. As a preliminary measure a new assessment of all their lands has been called for, the returns of which are expected to be sent in by the close of the year.

There can be little doubt that if this measure be carried out it will have the effect, as stated in the Decree, of consolidating the authority of the Government. Every Daimiate or prefecture, instead of having a separate autonomy of its own, will, in future, form a section of one great whole, and one general system of law and administration, working from an acknowledged centre, will be introduced.

This voluntary subordination of this authority to that of the Mikado was supported by 241 Daimios, and dissented from by only 17, who represented about one fourteenth of the value of the fiefs. The Government having satisfied themselves that the measure was generally desired, directed these 17 to conform their proceedings to those of the other Daimios, and the order appears to have been uniformly obeyed.

Another important decree has appeared abolishing the distinction between the order of nobles known as Kugé, who composed the hierarchical court of the Mikado prior to the reconstruction of the Government, and the Daimios, or, as they have hitherto been termed, territorial nobles. Both classes have now been blended into one order, to be termed "Kazoku," or nobles, and in future the title of "Daimio," which has become familiar to foreigners, will cease to be used by Japanese.

By a third Decree the Government have reserved to themselves the approval of all appointments or offices held under the Chihanji (late Daimios), which is another obvious step towards the subordination of all the local administrations to that of the central Government.

These measures having been determined on, the Chihanji's are commencing to leave Yedo, in order to give effect to them in their several territories or prefectures. They left these territories as semi-independent Princes, and they now return to govern them as functionaries deputed by the general Government.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No 20.

Imperial Decrees.

(Translations.)

Decree No. 1.

IN regard to the proposal which has been made for the restoration of revenues and subjects to His Majesty the Emperor, the latter, fully appreciating the tendencies of the present age, and having submitted the matter freely to public discussion, has granted this petition, as such a course is calculated to consolidate the authority of the Government.

(Signed) KO-SEI-KWAN.

6th month (July 8 to August 7, 1869).

Decree No. 2.

His Majesty the Emperor, from a desire to assimilate the civil and military classes (Kugés and Daimios), and to place them on a footing of equality, has decreed that the titles "Kugé" and "Shoko" (Daimio) shall be abolished, and that of "Kazoku" (noble) substituted.

Official ranks will remain undisturbed.

6th month.

Decree No. 3.

A Notification was lately issued to the effect that when His Majesty appointed a Daimio's officer to be a Government official, the Daimio would be previously consulted as to what kind of office he would be adapted for; it is hereby made known that in future appointments will depend on the Imperial pleasure, and the terms "Choshi" and "Yoshi" (hired officers) done away with.

(Signed) KO-SEI-KWAN.

6th month.

No. 21.

Sir H. Parkes to the Earl of Clarendon.—(Received October 18.)

My Lord,

Yedo, August 23, 1869.

WITH reference to my despatch of the 26th ultimo, reporting that His Majesty the Mikado had communicated to me his wish to receive His Royal Highness the Duke of Edinburgh on the occasion of his visit to Japan, I may now add that His Majesty's Government continue to take a deep interest in this subject, and appear disposed to spare no pains to render the Prince's stay at the capital agreeable to him. Two high Commissioners have been appointed to proceed to Yokohama as soon as the Prince's arrival is reported, in order to invite His Royal Highness to Yedo in the name of the Mikado. The seaside palace has been handsomely fitted up for his reception, and furniture and all the necessary appointments have been procured at considerable expense from Hong Kong.

At the reception by the Mikado it has been arranged that, after the formal part of the ceremony is concluded, His Majesty shall invite the Prince to a second meeting in one of the summer pavilions, when the Mikado will sit and converse with His Royal Highness with less reserve.

A series of national entertainments will be provided; and the princes of the blood and the principal nobles will pay their respects to His Royal Highness.

In a conversation which I had yesterday with the ex-Prime Minister Iwakura, he observed that the reception of the Prince had caused the Government much anxious consideration; for when the subject was first mooted, opinion was by means uniform as to the course to be pursued. An intelligent majority of the advisers of the Mikado had, however, seen that the occasion was one which should be profited by to mark their friendly feeling towards foreign Powers, and their readiness to promote more intimate relations with them, although at a sacrifice of old ideas and usages. In order, therefore, to receive the Prince in a manner that would be acceptable to England, the Mikado would have to adopt a new etiquette; but it afforded them gratification to feel that these compliments would be paid in the first instance to an English Prince, and would form, therefore, some acknowledgment of the various proofs they had received of the good-will of England and Her Majesty's Government.

I, of course, expressed my high appreciation of these sentiments, and pointed out that liberality in this as in other matters was conducive to the reputation of Japan, and to its position among the nations of the world.

I append a translation of a Proclamation in which the expected arrival of the Prince has been announced to the people of Yedo.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 21.

Proclamation to the Inhabitants of Yedo.

(Translation.)

A ROYAL Prince of England is coming to this country, and the Imperial Government will receive him according to the custom observed between friendly countries.

Let every one, from the highest to the lowest, bear this in mind, and be careful not to act in an offensive manner.

No. 22.

Sir H. Parkes to the Earl of Clarendon.—(Received November 1.)

My Lord,

Yedo, September 2, 1869.

I HAVE the honour to report that His Royal Highness the Duke of Edinburgh hoisted his standard on board Her Majesty's ship "Galatea" at Yokohama at 8 A.M. on the morning of the 31st ultimo.

Immediately on the standard being unfurled, Royal salutes were fired by all the British and foreign ships-of-war in harbour, and also by the Japanese fort at Kanagawa. The flag of His Majesty the Mikado was then saluted with twenty-one guns by Her Majesty's ship "Galatea."

At 11 A.M. His Royal Highness landed under salutes from all the ships-of-war, and was received at the landing-place by myself and Colonel Norman, C.B., commanding Her Majesty's troops in China and Japan. British, French, and Japanese guards of honour were in attendance, and the route from the landing-place to Her Britannic Majesty's Legation was lined by British and Japanese guards.

On arriving at the Legation His Royal Highness held a levée, which was attended by the whole of the Corps Diplomatique and many other foreign officers. A deputation of twelve of the British community waited on His Royal Highness and presented an address which had received the signatures of upwards of 250 British residents.

I have the honour to inclose a copy of this address and of the reply which was returned to the deputation by His Royal Highness.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 22.

Address to His Royal Highness the Duke of Edinburgh.

Introductory Speech by Mr. Aspinall.

May it please your Royal Highness,

HER Majesty's subjects resident in Yokohama gladly avail themselves of the opportunity afforded by your Royal Highness' visit to Japan to offer expression of their loyalty and dutiful affection to their Sovereign and her Royal house.

On their behalf I am deputed to act as the Representative of the Committee in giving expression to their wishes, and to present your Royal Highness with an address of welcome.

They trust that your Royal Highness' visit to this country will bear with it many pleasant reminiscences, and that you may be spared for many years and enjoy much prosperity.

With your Royal Highness' permission I will now read the address which has been signed by upwards of 250 of Her Majesty's subjects.

The Address.

To Captain, His Royal Highness Alfred Ernest Albert, the Duke of Edinburgh, R.N.,
K.G., K.T.

May it please your Royal Highness,

We, the undersigned British subjects, resident at Yokohama, beg to approach your Royal Highness, in order to testify our loyalty and devotion to the Throne and family of our most Gracious Queen.

We feel it our happiness on the occasion of the visit of your Royal Highness to Japan, to be allowed to tender you a most hearty welcome; and we beg to assure Her Majesty and your Royal Highness, that although we are a small community, settled among men of every race in a settlement so far from our native shores, we ever cherish the deepest affection towards our beloved Queen and her Royal family.

We hail the arrival of the "Galatea" in these waters, and we heartily trust that prosperity may attend the ship and her Royal Captain throughout.

We own with gratitude the watchful providence which has ever guarded the life and prospered the reign of our Most Gracious Queen, and we fervently pray that God will long vouchsafe his blessings to Her Majesty and her Royal line.

Subscribed at Yokohama, August 1869.

The Reply.

Gentlemen,

I thank you sincerely for the address which you have presented to me.

In the Queen's name I acknowledge the expressions of your loyalty to her Throne and person; and for myself I am gratified for the kind wishes which you express for my future welfare.

I attach the more weight to your address because it comes from a body of gentlemen who form the principal link between the Empires of Japan and Great Britain; the increased favourable relations between these two countries must add very materially to the prosperity of both; and it rests, to a very great extent with you, by the energetic prosecution of peaceful industry, to improve still more the intimacy and good fellowship between the people of this country and of our own land. That your efforts in so good a cause may be crowned with success, is my earnest wish—a wish that is all the more sincere because I feel that your prosperity in this country must add to the well-being of both Empires.

(Signed) ALFRED.

No. 23.

Sir H. Parkes to the Earl of Clarendon.—(Received November 1.)

My Lord,

Yedo, September 4, 1869.

HIS Royal Highness the Duke of Edinburgh proceeded to Yedo by land on the 1st instant, travelling in a carriage provided by His Majesty the Mikado. Every mark of respect was shewn His Highness by the functionaries appointed to conduct him, as well as by the people who thronged the road and streets to obtain a sight of the son of the Sovereign of Great Britain. Any one acquainted with the past state of affairs in this country could scarcely fail to observe the remarkable improvement in our intercourse which these circumstances denote. Three or four years ago the foreigner entering Yeddo, watched, with well-grounded distrust, the movements and forbidding aspect of every armed Japanese; but on this occasion the feeling animating all classes appeared perfectly friendly and unrestrained. They acted as if they felt that they were receiving foreign friends instead of traditional opponents.

At the halt at Kawasaki His Royal Highness was accommodated in the Mikado's rest-house; and immediately on his arrival at Yedo, he was visited by Ninwaji no Miya, a Prince of the Blood, who delivered to His Royal Highness a cordial welcome in the name of His Majesty.

The visit of His Royal Highness to the Mikado takes place to-day. The ceremonial which will be adopted, is described in the inclosed programme, which was drawn up prior to the Prince's arrival by the Japanese Ministers, and has since been approved of by His Royal Highness. It seems to me to mark the determination of His Majesty and his Government to receive His Royal Highness with every suitable acknowledgment of his

rank, although at the cost to them of many old pretensions. Fortunately, however, by reference to a higher antiquity than that which has furnished for centuries past the rules of Japanese State etiquette, they have found that the ceremonial to be observed on the occasion of the reception of the Prince may be supported by very early historical precedents, and may be regarded therefore rather as a revival of old customs than as a concession to the foreign relations of the day.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 23.

Programme of the Preparations for the Reception of His Royal Highness the Duke of Edinburgh.

(Translation.)

1. PREVIOUS to His Royal Highness' arrival in Japan, prayers will be offered up to Kan-jin for his prosperous voyage.

Note.—Kan-jin, literally the God of China. This is the revival of an extremely ancient ceremonial which dates from a time when there was no intercourse with abroad, excepting with China through Corea. Kan-jin is, therefore, the patron saint of foreigners, who are all united under his protection with the generic name of Tōjin, or “men of the Tang Dynasty of China.”

2. So soon as intelligence of His Royal Highness' arrival shall be received, the Commissioner appointed to receive His Royal Highness, will proceed to Yokohama, to present his respects, and the compliments of His Majesty the Mikado.

3. On his Royal Highness' landing at Yokohama, a salute of twenty-one guns will be fired. A guard of honour will present arms.

4. On the day before His Royal Highness' departure for his residence at Yedo, the roads will be cleaned and repaired; and prayers for his safe journey will be offered up to the god of roads.

5. On the day on which His Royal Highness may be expected to arrive in Yedo, religious ceremonies will take place at Shinagawa, to exorcise all evil spirits. On His Royal Highness' arrival, a Prince of the Blood will visit him, to inquire after his health.

6. The Royal Standards of England and Japan will be unfurled, side by side, at the Prince's residence.

7. On the occasion of His Royal Highness going to Court, he will be conducted by the Commissioners appointed for his reception. The hour will be 1 P.M.

8. When His Royal Highness is about to enter the gate of the Castle, the ceremony called “Nusa,” will take place.

Note.—“Nusa” is the sweeping away of evil influences with a sort of flapper with a hempen tassel.

9. At the third gate, or gate immediately before the porch of the palace, His Royal Highness will alight from his carriage, a cry will be uttered by the heralds, to call attention and enjoin silence.

10. The High Ministers of State will advance, and conduct His Royal Highness to the apartment called Bingi no Ma, where His Royal Highness will rest for a while, and tea and refreshments will be offered.

11. The Prime Minister will present his respects.

12. After a short time the Court band will play, and the Mikado will take his place in the reception-room, whither the Commissioners will conduct His Royal Highness.

13. Compliments will be exchanged.

14. The Mikado will retire.

15. His Royal Highness will return to the room where he rested.

16. His Royal Highness will be accompanied by the Ministers of State and the Commissioners.

17. The Commissioners will then conduct His Royal Highness to the garden, where he will rest in the maple tea-house.

18. The Mikado will proceed to the waterfall pavilion.

19. The Commissioners will conduct His Royal Highness from the maple tea-house to the waterfall pavilion, where the Prime Minister will await His Royal Highness in the verandah.

20. After the exchange of compliments, His Majesty and His Royal Highness will sit down. Tea and sweetmeats will be served.

21. When the interview is at an end the Mikado will rise, and after the exchange of

compliments, the Prime Minister will accompany His Royal Highness to the verandah. His Royal Highness will then return to the maple tea-house.

22. The Minister of Foreign Affairs will accompany His Royal Highness as far as the gate of the garden, and the Commissioners will accompany His Royal Highness back to his residence.

23. On His Royal Highness's return, a Prince of the Blood will visit him to thank him for his visit to the Mikado.

24. During His Royal Highness's stay, the Officers of State and Daimios will frequently call to make inquiries.

No. 24.

Sir H. Parkes to the Earl of Clarendon.—(Received November 1.)

My Lord,

Yeddo, September 4, 1869.

IN continuation of my previous despatch of this date, I am able to report, on returning from the palace, that the visit of His Royal Highness the Duke of Edinburgh to His Majesty the Mikado has taken place.

In accordance with the programme inclosed in the above-mentioned despatch, the Mikado received His Royal Highness both at a formal and at a private interview. It will be my duty to forward to your Lordship by the next mail particulars of the proceedings, and to report the friendly assurances that were interchanged between the Mikado and the Prince. I have only time at present to observe that the interviews have been conducted in a manner which cannot fail to leave friendly impressions on the minds of both the high personages concerned.

I have, &c.

(Signed) HARRY S. PARKES.

No. 25.

Sir H. Parkes to the Earl of Clarendon.—(Received November 22.)

My Lord,

Yedo, September 30, 1869.

WITH reference to my despatch of the 4th instant, I have now the honour to forward a detailed memorandum of the ceremonies which were observed on the occasion of the reception of His Royal Highness the Duke of Edinburgh by the Mikado, and of the conversations which were held between His Majesty and His Royal Highness at the formal and private interviews.

His Royal Highness expressed himself as entirely satisfied with the cordial feeling which was shown towards him. He was received by the Mikado on a footing of entire equality, and His Majesty profited by the occasion to make favourable allusions to the friendly relations existing between Japan and Great Britain.

It is satisfactory to think that the good results which may be anticipated from this reception are not likely to be confined to the personal compliments which were paid to His Royal Highness. The event probably derives no small degree of importance from the additional and conspicuous proof which it affords of perseverance on the part of the new Government in the abandonment of a long-cherished system of isolation, and of their willingness to conduct their foreign intercourse according to the rules which obtain among Western Powers. His Majesty has been brought, on this occasion, into direct and personal communication with a member of one of the leading Royal families of Europe, and the knowledge of this fact and of the character of the reception of His Royal Highness can scarcely fail to exercise a favourable effect on the position of foreigners generally in this country, or to weaken those prejudices which are the result of centuries of rigid exclusion. Viewed, therefore, in this light and in regard to the divisions which exist among the Japanese upon questions of foreign policy, the visit of His Royal Highness may be considered as having occurred at an opportune season, and as an event which is likely to promote the growth of international good-will.

The stay of the Duke in Yedo was extended to a week. Particular entertainments, such as theatrical performances, feats of arms or equestrianism, wrestling, and other games were provided for each day. On the occasion of the visit to the Mikado a particular compliment was spontaneously paid to His Royal Highness. The upper windows of the

houses in the streets were closed in order that the people might not look down upon the Duke as he passed. As this rule has been only observed in this country towards the Mikado, or formerly towards the Tycoon, no clearer recognition could have been offered of the illustrious rank of the Mikado's guest.

It was satisfactory also to observe that several of the leading Daimios took part in the courtesies paid to His Royal Highness. Among these I should notice that an elder brother of Mimbū Taiyū, now Prince of Mito, was deputed, in the absence of that Daimio, to express to His Royal Highness the thanks of the Japanese Government and of his own family for the gracious reception accorded to him in England in 1867.

On the morning of the Duke's departure from Yedo, the Prime Minister visited His Royal Highness by command of His Majesty, to deliver a parting message and bearing His Majesty's autograph, which His Royal Highness had expressed a wish to possess. Your Lordship will appreciate the significance of this gift when I mention that hitherto the autographs of the Mikados of Japan have been laid up as precious relics in temples.

The ex-Prime Minister, the Minister of Foreign Affairs, and other dignitaries also attended to take leave.

It had been arranged that His Royal Highness should return to Yokohama by sea, and Her Majesty's ships "Galatea," "Ocean," and "Pearl" had accordingly assembled at Yedo. Hiyōbukiyō no Miya, Prince of the Blood, accompanied the Duke on board the "Galatea," and was received with Royal salutes and other compliments from all the ships. After this visit had been paid, the squadron proceeded to Yokohama, the two Commissioners, Daté Chiunagon and Ohara, accompanying His Royal Highness to that place.

I may note, as another friendly act on the part of Hiyōbukiyō no Miya, that His Imperial Highness subsequently came down from Yedo for the purpose of attending, in company with the two Commissioners, an official dinner and ball which I gave at Yokohama in honour of His Royal Highness.

The Duke of Edinburgh did not hoist his standard on returning to Yokohama. He remained there until the 16th instant, when he left for Osaka and Nagasaki in company with Admiral Sir Henry Keppel and Her Majesty's ships "Ocean," "Adventure," and "Salamis."

I have thought it due to the Japanese Government to acknowledge, in the inclosed despatch to the Foreign Minister, my appreciation of the welcome with which they received His Royal Highness. I should add, that in carrying out their hospitable intentions they were materially aided by Mr. Mitford, to whom they confided the direction of most of their arrangements. I attached Mr. Mitford to His Royal Highness during his stay in Yedo and Yokohama, and I should not omit to bring to your Lordship's notice his able and diligent services on this occasion, the value of which was particularly felt at the interviews with the Mikado when he acted as Interpreter to His Royal Highness.

I have, &c.

(Signed) HARRY S. PARKES.

Inclosure 1 in No. 25.

Memorandum by Mr. Mitford.

ON the 4th September His Royal Highness the Duke of Edinburgh had an audience of the Mikado.

His Royal Highness was accompanied to the castle by Admiral the Honourable Sir Henry Keppel, the Honourable Eliot Yorke, and Lieutenant Haig, Equerries to His Royal Highness; Commander Adeane, Dr. Watson, Lieutenants Romilly, Ramsay, and Poore, of Her Majesty's ship "Galatea;" and Mr. Chevalier. Sir Harry Parkes, with Messrs. Adams, Mitford, and Von Siebold, also attended His Royal Highness.

Ohara, one of the Commissioners appointed to receive the Duke of Edinburgh, was ordered by the Mikado to escort His Royal Highness to the Castle.

The procession was formed according to the annexed plan.

On arriving at the castle His Royal Highness' carriage was driven through the third or innermost gate. All the other officers dismounted outside this gate, and the English mounted escort and guard of Marines, under the command of Captain Brydges, of Her Majesty's ship "Ocean," drew up at the same spot.

On alighting from his carriage, His Royal Highness was received by Date Chiunagon,

the Senior Commissioner appointed to conduct his entertainment; Sawa, the Minister for Foreign Affairs; and Tokudaiji Dainagon, who conducted him to a waiting-room.

Here the Prime Minister, the ex-Prime Minister, and Hiyôbuki-yô no Miya, a Prince of the Blood, paid their respects to His Royal Highness.

After a short interval His Royal Highness was conducted by Date Chiunagon to the Audience Chamber, where the Mikado stood on a raised dais, with two of his personal attendants and the Prime Minister. Hiyôbuki-yô no Miya, together with the Minister of Foreign Affairs and several other grandees of the Court, stood at the foot of the dais, at about six or eight feet from His Majesty.

His Royal Highness, accompanied by his Interpreter, Mr. Mitford, took his place upon the dais opposite to the Mikado; Her Majesty's Minister, with Admiral Sir Henry Keppel and the other officers accompanying His Royal Highness, stood at the foot of the dais, opposite to the dignitaries of the Japanese Court.

His Majesty having spoken a few words of welcome, to which His Royal Highness returned a suitable reply, invited the Duke of Edinburgh to meet him again in a more private manner in the garden.

The Duke then retired to the waiting-room.

After another short delay, during which the grandees of the Court waited upon His Royal Highness to congratulate him upon his arrival at the capital, and upon his reception by their Sovereign, Date Chiunagon conducted the Duke to the maple tea-house in the castle gardens, where refreshments were served.

As soon as the Mikado was reported to have arrived at the Waterfall Pavilion, His Royal Highness proceeded there, accompanied to the entrance of the pavilion by all the officers of his suite. Sir Harry Parkes, Sir Henry Keppel, and Mr. Mitford entered the pavilion with His Royal Highness. At the verandah His Royal Highness was met by the Prime Minister, who ushered him into the presence. As His Royal Highness entered the room the Mikado, who was attended by five or six of his nobles only, besides the Prime Minister, rose and bowed courteously, begging His Royal Highness to be seated. Sweetmeats were laid before the Mikado and before the Duke of Edinburgh. The suites on both sides remained standing.

The Mikado then said that it gave him the greatest pleasure to receive a Prince who had come from so distant a country, and begged that His Royal Highness would remain sufficiently long to repay himself for the fatigues of the journey.

The Duke of Edinburgh expressed the high satisfaction which he felt at the cordial reception with which he had been met, and the pleasure which the intelligence of this visit would cause to Her Majesty the Queen.

The Mikado assured His Royal Highness that it was a source of happiness to him to think that this auspicious visit would have the best effect in cementing the friendly relations existing between the two countries. He felt that there would of necessity be many shortcomings in His Royal Highness' reception, but begged that the Duke would freely express any wish that might occur to him, in order that, if possible, he might have the pleasure of gratifying it.

His Royal Highness said, that so far from being dissatisfied with his reception, it had exceeded his expectations. It had long been his desire to visit a country of which he had heard so much, and in the realization of this wish he had certainly not been disappointed. It was an additional pleasure to him to have this opportunity of congratulating the Mikado upon the personal resumption of the power which he had inherited from his ancestors. It would be highly gratifying to Her Majesty the Queen to learn that the troubles of last year had been succeeded by the restoration of peace.

The Mikado stated that, during the disturbed period through which the country had passed, his Government had received the greatest assistance from the advice and counsels of Sir Harry Parkes, and he was glad to take so important an occasion of acknowledging this debt of gratitude, in order that the expression of his thanks might be conveyed to Her Majesty the Queen. He begged His Royal Highness to deliver this message to Her Majesty.

The Duke of Edinburgh said that he should have much satisfaction in doing so.

The Mikado having said a few words of welcome to Sir Harry Parkes and to Sir Henry Keppel, the Duke of Edinburgh rose and offered the Mikado a diamond-mounted snuff-box as a remembrance of his visit. The present having been gracefully accepted and acknowledged, the Duke of Edinburgh after a few more complimentary speeches took his leave.

His Royal Highness was escorted to the castle gate by the same nobles who had met him on his arrival, and the Commissioner Ohara attended him to his residence.

Later in the day the Prince of the Blood, Hiyôbu Kiyô no Miya, waited upon His

Royal Highness to thank him for having visited the Mikado and to congratulate him upon the auspicious occasion. Date Chiunagon was also specially sent by the Mikado again to thank His Royal Highness for the handsome present which he had received.

Inclosure 2 in No. 25.

ORDER of PROCESSION.

A Policeman with iron staff.

A Policeman with iron staff.

Morigama, an Officer of the Foreign Office, on horseback in full Court dress, who will clear the road.

Soldiers of the Awa clan.

Officer of the same on horseback.

Fukuchi, an officer of the Foreign Office, in Court dress.

Pachi, an officer of the Foreign Office, in Court dress.

Mgamaito, a Chief Employé of the Foreign Office, in Court dress, on horseback.

Guard of Marines.

Ten Swordsmen of the Awa clan.

Ten Swordsmen of the Awa clan.

Inspector of the British Legation escort.

Fifteen Mounted Guards of the Bettégumi Corps. Officer of above.	{	Royal Marine Artillery.	{	His Royal Highness THE DUKE OF EDINBURGH And Suite.	}	Royal Marine Artillery.	}	Fifteen Mounted Guards of the Bettégumi Corps. Officer of above.
--	---	----------------------------	---	--	---	----------------------------	---	--

British Legation Mounted Escort.

Sudzuki Kohei, Commandant of the Corps of Bettégumi.

Ten Swordsmen of the Awa clan.

Ten Swordsmen of the Awa clan.

Saibo, an Officer of the Foreign Office; Eendo, an Officer of the Foreign Office.

The Duke of Edinburgh's horse (led).

Another led horse for His Royal Highness.

Troops of the Tayasu clan.

Officer of Ditto on horseback.

Inclosure 3 in No. 25.

Sir H. Parkes to Sawa Totska Kio.

Sir,

Yedo, September 25, 1869.

ON the departure of His Royal Highness the Duke of Edinburgh from Japan, the Undersigned feels that he should express to his Excellency the high satisfaction afforded him by the friendly and liberal spirit in which every arrangement connected with the reception of His Royal Highness by the Japanese Government was carried out.

The Undersigned is satisfied that Her Majesty the Queen will hear with gratification of this proof of friendship on the part of His Majesty the Emperor, and will earnestly unite in the wish expressed by His Majesty that this visit of the Prince, her son, may have the effect of promoting a cordial and beneficial intimacy between Great Britain and Japan.

In the meantime, however, it devolves upon the Undersigned to bear testimony to the felicitous manner in which all the high functionaries who were charged on this occasion with the wishes of the Emperor, fulfilled the important trust confided to them. The Undersigned feels that his thanks are specially due to His Imperial Highness Hiohu Kio no Miya, to their Excellencies Sanjô Udaijin, the Prime Minister, and Iwakura Dainagon, and to their Excellencies Date Nii and Ohara Shosho, on whom, as Commissioners, the labour of superintending all the arrangements naturally fell. All these high functionaries, together with other nobles and officers, were unremitting in their attentions to the guest of their Sovereign. The Undersigned feels confident that the regard and good-will which was so plainly manifested on both sides during the stay of His Royal Highness in Japan will long be remembered by all those who took part in these proceedings, and he trusts that the good example thus offered by the Emperor's Government will have the effect of infusing a similar feeling among all classes of the people.

The Undersigned also takes this opportunity of acknowledging the efforts of his

Excellency on this occasion, and of thanking him for having so materially contributed to the success of His Royal Highness' visit.

The Undersigned, &c.

(Signed)

HARRY S. PARKES.

No. 26.

Sir H. Parkes to the Earl of Clarendon.—(Received November 22.)

My Lord,

Yedo, October 1, 1869.

THE Japanese Government have notified to the Foreign Ministers in the inclosed note the adoption of those material modifications in regard to the powers and position of the territorial nobility of this country which I reported in my despatch of the 23rd August last. It is stated in this note that the title of Shoko or Daimio has been abolished, and that the former holders of it have been appointed Chiji or Chi Hanji, that is, Prefect of their respective hans or clans.

I have not heard that this great fundamental change in the Constitution has yet encountered opposition in the country districts. The Daimios are stated to have given in their adhesion to it before they quitted Yedo, and if the vested interests of their Karos or Ministers and other followers be duly consulted in the redistribution of the public income of the different Daimiates (to be hereafter called Prefectures), the subordinates of each clan may prove as willing to conform to the new arrangements as their Chiefs. Very much, however, remains to be done before so extensive a scheme for the reorganization of the offices, functions, and revenues of Government can be brought into effective operation.

The consideration of the change was submitted by the Emperor not only to the Daimios but also to the popular assembly, and Mr. Hall, Student Interpreter, has prepared the accompanying translation of the interesting debate which was held in the Lower House. Unfortunately, the report from which the translation is made does not appear to be complete, and no summary is given of the result. Neither have we been able to obtain copies of the written opinions sent in by the Daimios. Sufficient particulars, however, are furnished in the inclosed translation to show that the Japanese can bring no insignificant power of thought and argument to bear upon the discussion of this important public subject. To judge from the speeches of the members of the lower House, considerable difference of opinion existed as to the extent to which innovation and reform should be permitted; but the Emperor, in his closing message, speaks of the unanimity which prevails as to the necessity of the work of Government being conducted by our organization, in place of many, and the measure of making the Daimios provincial governors or prefects is adopted with that view.

A reforming Government of course must have its enemies, and the present one is assailed for its offence against conservatism, both in its home and foreign policy. These rumours take the shape of the inclosed report, and while such a state of feeling continues to exist, and until the Government are strong enough to disarm the unruly swordsmen, who form so large a proportion of the population, it is to be feared that insecurity will necessarily prevail, and that foreigners may occasionally be subject to violence on the part of individuals, such as that which was lately offered to myself, and which I reported in my despatch of the 28th ultimo. It is satisfactory, however, to notice that the Mikado does not appear to be deterred by this malevolent feeling from openly declaring that he will faithfully act up to his obligations to foreign powers, and I beg to bring to your Lordship's notice the inclosed translation of a speech which has accidentally come into my possession in which His Majesty lately announced to his nobles that these sentiments would strictly guide him in his foreign relations.

I have, &c.

(Signed)

HARRY S. PARKES.

Inclosure 1 in No. 26.

Sawa Jusammi and Tereshima Jushii to Sir H. Parkes.

(Translation.)

Sir,

September 23, 1869.

THIS country was governed since the middle ages according to the feudal system, but in view of the changes effected in every department since the revolution of last year, this system has proved inconsistent with the unrestricted exercise of the authority of the Government on a uniform principle.

For this reason a proclamation has been issued abolishing the title Shoko (Daimio). The holders of it have been appointed Chiji of their respective provinces, and are henceforth to be styled, great and small without distinction, Kazoku (nobles).

As these changes are of the highest importance to this country we communicate them to you for your information.

We have, &c.

(Signed)

SAWA JUSAMMI KIJOWARA NORIJOSHI, *Minister of Foreign Affairs.*

TERASHIMA JUSHII FUJIWARA MUMENORO, *Taifu of Foreign Affairs.*

Inclosure 2 in No. 26.

Report of a Debate in the Japanese Parliament on the Constitution.

(Parliamentary Journal No. 10.)

(Translation.)

ON the 23rd of the 4th month (June 3rd), at the usual hour, the Vice-President for the time being, Kanda Kohei, 158 members, and several lords who came to listen, took their seats. The result of the debate on the questions proposed by the Foreign Office having been read out, at 1 o'clock P.M., Mori-kin-no-Jô, Commissioner for the Codification of the Law, read from his accustomed seat the following message from the Emperor, of which he was the bearer. The House reverently listened to it, and then with one accord made a profound obeisance.

The Emperor's Message.

Having, on a former occasion, in concert with you, our many officers and innumerable vassals, vowed to execute five resolves,* we straightway sought Heaven and earth and the national gods, and swore, by extending the authority of the laws throughout the realm, to give the millions and tens of millions of the people happiness and peace. War, however, suddenly intervened, and the victory of our arms is not yet complete. Wherefore we, being night and day incessantly in fear before our superiors, the national gods, and ashamed before our inferiors, the millions and tens of millions of the people, have in our own person drawn nigh and summoned to our presence you, our many officers and innumerable vassals to seek at your hands a well-ordered scheme for the formation of an administrative system for the country at large. Thereon hangs this day the arbitrament of security or peril for the country of the gods. We therefore earnestly desire you to manifest the devoted loyalty of your hearts and to reveal the inmost thoughts of your souls in recommending to us what is good, and rejecting what is bad; while we, for our part, are confident that through our earnest and assiduous efforts a constitution for the empire will be achieved.

You, our many officers and innumerable vassals, will give diligent heed hereto.

The Prime Minister's Speech on the same subject to the Assembly of Daimios.

The object for which we have at this juncture assembled is to discuss how the great foundations of the national welfare shall be most firmly laid. You will, therefore, in fulfilment of the Emperor's command now communicated, commit your opinions on this subject to writing, and send them in on or before the 4th of next month (the 13th of June). You are further requested to bear in mind that, hereafter, from time to time, specific inquiries on matters of detail will be issued by His Majesty.

Furthermore, all who have any specially important ideas to propose should proceed to the palace and communicate them.

The Debate on the above Message from the Throne was opened in the Parliament on

* The five vows here referred are known generally as the Mikado's oath. They are:—

1. The practice of discussion and debate shall be universally adopted, and all measures shall be decided by public argument.
2. High and low shall be of one mind, and social order shall thereby be perfectly maintained.
3. The civil and military powers shall of necessity be concentrated in a single whole; the rights of all classes be assured, and the national mind be completely satisfied.
4. The uncivilized customs of antiquity shall be broken through, and the impartiality and justice displayed in the workings of nature be adopted as a basis of action.
5. Intellect and learning shall be sought for throughout the world, in order to establish the foundations of the Empire.

the 4th of the 5th month (13th June) by the reading out of the following four questions proposed by Mori-kin-no-Jô, Commissioner for Codification of the Law:—

1. At present the constitution of our country appears to be a mixture, half of government by feudal lords and half of government by the Emperor. If we allow it to remain in this condition what will be the consequence to the common weal?

2. If we decide to reform it by adhering to our system exclusively, what are the respective arguments, in the abstract, from right and wrong, and from the balance of ultimate advantages and disadvantages for the adoption of the feudal system on the one hand, or the monarchical system on the other.

3. If we adopt the feudal system throughout, by what scheme of administration shall we satisfy public opinion and suit the tendency of the age?

4. If we adopt the monarchical system throughout, by what scheme of administration shall we satisfy public opinion and suit the tendency of the age?

Consequent on the foregoing questions an animated and exhaustive debate took place. The House was well filled, and on the conclusion of the debate the members divided and recorded their votes, as given below, on the seven following schemes which had been discussed.

Scheme A.—Of a Reform of the Constitution, and of an Administrative System for the Country.

1. It is of indispensable necessity that, from one end of the country to the other all private interests in land should be reappropriated by the State, and all Government orders issue from one centre.

2. In each of the large provinces one city (Fu) should be founded, and the smaller provinces included within the jurisdiction of the nearest city. For each city one City Prefect should be appointed.

3. In every district of land yielding about 100,000 kokus (of rice) one town (Ken) should be founded, to be governed by one Town Prefect, and subordinated to the city of that province.

4. The relatives of the Emperor should be styled the Royal Family; the Court dignitaries (Kuge), and the feudal lords (Shokô) should be styled the nobility, and should always reside at Court.

Vassals of income of 10,000 kokus and upwards should likewise rank as nobility.

5. All ranks between that of knight of the middle grade and ordinary vassal should be fused into the two ranks of higher gentry and lower gentry (Samurai).

6. Prefects of cities and towns should, but only for the present, be chosen from amongst those who have hitherto been feudal lords as vassals of the two highest ranks.

7. Sub-Prefects of cities and towns should be chosen solely with regard to their abilities.

8. The assumption of personal vassals should be forbidden to all classes below the Royal Family; and servitors should be assigned by Government in numbers proportionate to rank.

9. Persons who, though of the rank of gentry, are unfit to sustain that position, should receive as a capital, a sum in proportion to their income, and be allowed to turn farmers, artisans, or merchants.

10. The Sovereign should have a fixed yearly income.

11. Members of the Royal Family should have a fixed yearly income of the same amount for all.

12. To the three ranks of the nobility, the higher, and the lower gentry, a fixed income of five gradations in each rank should be assigned.

13. The income of all ranks below the Royal Family should be paid in rice from the Government granaries.

14. Official salaries should be paid separately in money.

15. The lands attached to Buddhist and Shintô temples should be secularized, and a suitable allowance granted to the incumbents in money and rice.

16. It should be the function of the higher and lower gentry to furnish the guard of both capitals, and the garrisons of the cities and towns.

17. A naval depôt should be established at each of the principal ports.

18. Military and naval commanders should be chosen solely with regard to their abilities.

19. Educational and military schools should be established in each city and town.

20. In every city and town a deliberative assembly should be established.

By these assemblies a mode of obtaining a wide selection of men of ability should be devised.

21. Commissioners should be sent on circuit every year to inspect the working of the administration.

The following members voted for this scheme:—

Kashiu.	Takatoui.
Kishiu.	Shimodate.
Geishu.	Sonobe.
Himeji.	Yamazaki.
Takamatsu.	Yoshii.
Mayebashi.	Nishiôji.
Agaki.	Ichinomiya.
Koriyama.	Ogaki (cadet).
Daisboji.	Matsuoka.
Moriyama.	Inuyama.
Okayama (cadet).	Mikawa.
Zeze.	Korigami.
Karatsu.	Kameyama.
Hirosluma (cadet).	Shohei (University of).
Amizo.	Kigobo.
Takaska.	Akko.
Shiia.	Shimodzuma.
Mineyama.	Yûki.
Yagin.	Yamagami.
Takatomi.	Kagoshima.
Okabe.	

Scheme B.—Of a Monarchical Administrative System

1. The large fiefs should be converted into cities; the middle sized and small fiefs, into towns.

2. The feudal lords should immediately be appointed prefects thereof.

3. The feudal vassals should become vassals of the Emperor, and be appointed to all offices from the sub-prefect down.

It should, however, be competent for the prefects to borrow, even for their own personal business, the services of the Imperial vassals.

4. The old fiefs should be distributed in trust in the same manner as formerly, and the revenues reserved for the incomes and salaries of the prefects, officers, and troops, and for military and miscellaneous expenses.

5. These prefectures should, except for causes of serious importance, be hereditary.

6. The lands held by knights of the middle and lowest grade, and by the higher gentry, should be exchanged for incomes in rice from the Government granaries, and these classes made to reside in the eastern and western capitals.

7. Lands attached to Shintô and Buddhist temples, and all gifts of land to private persons, should be exchanged for incomes in rice.

The following members voted for this scheme:

Shunshiu.	Tanokuchi.
Echizen.	Ono.
Unshiu.	Shibamura.
Hikone.	Narubane.
Akashi.	Hakata.
Takata.	Tawara.
Fukuyama.	Kurogawa.
Sakura.	Nobeoka.
Yodo.	Uyeda.
Nayeji.	Annaka.
Ashimori.	Takatô.
Karasuyama.	Sabaye.
Ayabu.	Hayashida.
Omigawa.	Chonan.
Kokura (cadet).	Toyaôka.
Osu.	Okayama (cadet).
Boni.	Tsuwano.
Sasayama.	Nûya.
Itoigawa.	Nishibata.

Niwase.	Marugame.
Kambe.	Shingu.
Asao.	Uwajima.
Jino.	Minakuchi.
Katsuyama.	Yashima.
Hirose.	Sano.
Toba.	Fukuye.
Nümi.	Anshi.
Odawara.	Shimabara.
Yamanaka.	Yoshida.
Mineyama.	Kameyama.
Takasu.	

Scheme C.—For the better Working of the Feudal System.

Although at present the constitution of our country contains an admixture of the element known as cities and towns (*i.e.*, direct government by the Sovereign), still it is in the main the feudal system; and if we now decide to change it violently all at once and reduce it to a single element, not only shall we clash with public opinion and brew commotion, but, in violating the fair custom of modesty, we shall beget the odious evil of effrontery, and in the end enfeeble the pulse of the nation. If we run counter to public opinion and the spirit of the age, shall we not frustrate the intention of our wise Sovereign's communication. If the Emperor will, on his part, settle the Constitution on a valid foundation, and by refusing to transfer to another the executive, wield it firmly in conjunction with the legislative power, even if we follow the old path, a great catastrophe can never again occur. By way of experiment for the present, we propose the following scheme of administration:—

1. The title-deeds of the fiefs, large and small, should at once receive the Imperial seal.

It is, however, of primary importance that the lands should be re-surveyed, and their actual dimensions be brought, by the rectification of deficiencies and excesses, into correspondence with their assessed values. This measure should be carried out gradually.

2. The laws should be embodied in one code, and their administration emanate from the Emperor on a uniform system.

At the close of every year a written statement of the judgments, both of reward and punishment, delivered throughout the year should be sent in to the Government; and in all cases of capital or heavier punishment, the sentence of the Emperor should be respectfully requested.

3. Regulations for attendance at Court, whether for the purpose of paying homage or attending councils, should be made with regard to the nearness or distance of the fiefs; and punctuality in furnishing the levies should be enforced.

Moreover, the incidents of aids for public works, escuage, and purveyance for the army, should certainly not be neglected.

4. Intimate friendly relations should be established with the neighbouring cities and towns, and mutual assistance rendered, both during peace and in cases of emergency.

5. The boundaries of each fief should be clearly defined, so as to preclude encroachments, and friendly intercourse maintained in a spirit of mutual consideration and deference.

6. The Court dignitaries and functionaries of the Emperor should be styled Crown lords (literally, lords within the Crown domain); they should receive no lands, but only a yearly income.

Such of them, however, as have hitherto held estates should be allowed to retain them.

7. Occasionally Commissioners should be sent on circuit to inspect the working of the administration.

8. The cities, fiefs, and towns should be gradually consolidated, by grouping together the scattered patches of their respective territories.

Supplementary Clauses.

Proposed by Obi:—

1. Both an eastern and western capital should be constituted, and the right of Crown demesne observed; thus—

To the western capital should be assigned the five demesne provinces; to the eastern,

the eight provinces of Kwantô. Lords at present holding within these Crown domains should receive estates in the other outlying districts of domanial territory ; and two-thirds of the expense involved by the removal should be allowed by Government, to be repaid in yearly instalments. Officers of high attainments in learning and war should be furnished from the fiefs in proportion to revenue. These should become vassals of the Emperor, be made to reside within the Crown domains and be incorporated as the Imperial body-guard. The middle and inferior knights and the higher gentry should in like manner be made to reside within the Crown domain.

2. The territories of the lords should be limited to 300,000 kokus ; and the lands in excess of this limit apportioned to their younger sons or brothers as distinct and separate fiefs.

In cases, however, where no younger sons or brothers exist, the Government should hold in trust the lands in question until younger sons or brothers are born, and then allow them to be constituted into distinct fiefs. During the time that these lands are thus held in trust, however, the Government should receive the revenues, but allow the management of them to be retained by their present holders. The same course should be followed in regard to newly-reclaimed lands and surplus revenues.

The separate fiefs of younger sons and brothers should be limited to 100,000 kokus.

After the measures proposed in the two preceding clauses have been carried out, persons who have rendered great service to the State should, if their estates already reach the limit of 300,000, be rewarded by a liberal grant of manufactures, money, and rice ; if, however, their estates are less than that amount, there is no objection to their being raised to 300,000 kokus.

Proposed by Toyama :

1. With the confiscated lands of Oshiu and Dewa, vassals of merit should be made lords.

2. The fiefs should be assessed in groups, and a ship of war levied from each group.

Proposed by Tatsuno :

The estates of the lords should be resurveyed, and all land in excess of the assessed amount forfeited. With the land and people thus forfeited, military stations should be formed all through the country, to which troops should be supplied to hold the fiefs and towns in check. Court nobles (Kuge) should be appointed to these commands.

Proposed by Tateyama :

Seeing that if the above-mentioned Crown demesne be not set apart, the Emperor will be in straitened circumstances, the fiefs should be made to contribute, in proportion to revenue, and offering of territory to meet the military and naval expenditure.

Proposed by Yanagawa :

To the army each fief should be required to furnish, for every 10,000 kokus of revenue a quota of 50 men, who should be called the Government forces. These should be held in readiness in each fief to be placed at the absolute disposal of the Emperor. The military expenditure should be furnished by the fiefs to the Government, and paid by the Government to the troops ; who should garrison both capitals and places of importance throughout the country.

Proposed by Fukumoto :

The lords, in relays of twenty at a time, should bring up troops in proportion to their revenues, and furnish the garrison of both capitals year by year in succession.

Proposed by Kishinowada :

Vassals of 10,000 kokus of income and upwards should be made lords.

Vassals of 1,000 kokus of income and upwards should be styled middle and inferior knights, and should hold the same position as the former feudatories of the Shogun (*i.e.*, the Hatamoto).

As a matter of course, on becoming vassals of the Emperor, they will retain the lands holden of their former lords, while those whose incomes were paid in rice will receive lands in exchange.

Vassals will be persons of 900 kokus of income and under. All the feudatories should certainly reside on their estates.

The following members voted for this scheme:—

Miyatsu.

Tsurumaki.

Tsuruda.

Yoshida (Mikawa).

Otawara.

Matsuyama.

Obi.

Komono.

Oka.

Amagazaki.

Kishinowada.

Yanagawa.

Udo.

Namukaichi.

Hachinobe.
 Toyama,
 Tayasu.
 Katsuyama.
 Higo.
 Tateyama.
 Ono.
 Iwamura.
 Horiye.
 Maruoka.
 Miharu.
 Taka.
 Yanagimato.
 Asô.
 Takatsuki.

Isesaki.
 Kururi.
 Kitsurengawa.
 Iwatsuki.
 Yamaga.
 Sakurai.
 Takasaki.
 Muraska.
 Fukumoto.
 Saijo.
 Komoro.
 Koga.
 Mikusa.
 Kobama.
 Tatsuno.

Scheme D.—For a Feudal Constitution.

1. As it was by reason of its loyalty that this our country, the land of the gods, was raised to be a nation, so likewise has the succession of the Imperial line continued unbroken from of old. Suppose that even as large a ruler as Shun or U were to arise, the Sovereignty could not be transferred to him. Now, when we trace this principle of loyalty to the Sovereign of the country to its source, it will be found to be identical with the principle of fealty to the lord of the seignior, and that the hereditary feudal relation cannot be hastily dissolved. This relation is exactly suited to the peculiarities of the national character, and could not, in the circumstances of the present day, be changed.

2. Although at present the country seems to be about equally divided between the Feudal and the Monarchical system, the constitution is in the main Feudal. The semblance of the Monarchical element arises simply from the fact, that the Emperor's public lands—what were anciently known as the 1,000 ri of Crown domain—are scattered in all directions. Now, although under present circumstances, there is no objection to this land being scattered in all directions, still it would be well to wait for a day of quiet and security, and revert in this matter to the ancient usage. We should, for instance, ascertain the revenues of the five Crown Provinces, and of Omi, Tamba, Harima, and Kishiu, and make them the Crown domain. To lords holding within those limits public land in distant provinces, should be assigned equivalent to their former estates. Or would it answer to add to the five Crown Provinces, Iga, Omi, Tamba, and Wakasa, and constitute nine Crown Provinces

3. In the fiefs, lord and vassal, by a compact that subsists from generation to generation, contract the tie of friendship between superior and inferior, to strive together as comrades, if need be, even unto death, in defence of the shrines of the gods of the household and of the soil, and to stand as bulwarks of the Imperial house. In cities and towns (*i.e.*, under a pure Monarchy), on the contrary, the relation of the people to their Governors is like that of travellers to the host of an inn. Between the two systems there is a wide dissimilarity.

4. Our country is girt on all sides by the vast ocean, so that no spot or quarter is left for the foreign robber to march in. We entreat that the lords be chosen to keep strict watch and guard, and to ward off invasion. If their protection be now discarded in favour of monarchical rule the land will be left without its usual lords, the people without their wonted rulers; and though there may be soldiers in the camps, and troops within the garrisons, they will prove inadequate to the task of defending the country.

5. Although at present the lords have begged to restore their fiefs, if the latter be allowed to remain as heretofore, and entirely new title-deeds granted, the basis of the Constitution will be set right, old abuses will be rooted out, and the entire system of Government administration reformed; the will of the Emperor will be supreme, and the honourable duty of supporting the Imperial house fulfilled. Every year Commissioners of Inspection should be sent on circuit to examine into the administration of the fiefs, and suggest beneficial measures for the people.

6. The country is exhausted by the calamities of war continued from year to year; the foreign barbarians are casting longing eyes upon it; and the minds of the people are excited and alarmed. At such a crisis, to make a change in the Constitution of the country, would assuredly bring no good.

7. Although the Court nobles have rank, they have no lands nor people; and, in consequence, their authority, even when they hold such offices as Prime Minister or

Generalissimo, is inconsiderable. If the outlying portions of the Emperor's domain scattered through the distant provinces, were allotted as benefices to meritorious nobles of the Court, the latter would be put on a level with the lords, and the distinction of favour and estrangement (with which the two orders are respectively regarded by the Emperor), would eventually disappear.

8. In the eastern capital the office of President Generalissimo (Chinshô), should be created to control the eastern and northern lords.

9. In Oshiu, and also in the Western Provinces, the post of President (Chin), should be created, to be held only by a Prince of the Blood, or by a Court noble, who should dispense the beneficent rule of the Emperor, and govern and cherish the people.

To form the military forces of these three Presidencies, all the gentry of the country who have lost their incomes (viz., by the fall of the Shôgun), should be enlisted and stationed in the vicinage of the seat of Government, receiving grants of land instead of pay. If by thus turning them into cultivators, they can be made to support themselves, they will, with the disposition natural to soldiers who have settled into farmers be attached to their superiors, and have a strong regard for their own families, insomuch that when urged on to danger and death, they will not mutiny.

10. If the neighbouring lords carefully select one or two men each, and send them as deputies to the President's Court to represent the opinion of their several provinces; and if, further, these men be allowed to take part in the government of the Presidencies, a harmonious system of administration will be established within the circuit of the four seas.

The following members voted for this scheme:—

Nakamura.	Hasuike.
Mito.	Oimi.
Tanabe (Kishiu).	Kojiro.
Asada.	Shishido.
Mibu.	Numata.
Mikkaichi.	Fukiage.
Ota, Bitchiu no Kami.	Okazaki.
Nishio, Oki no Kami.	Tadotsu.
Chikugo.	Hinode.
Szuzaka.	Kurioshi
Usuki.	

Scheme E.—*Summary of an Argument for the Constitution.*

If we examine the existing condition of the empire it is found to be feudal throughout two-thirds of its extent, while one-third is under the jurisdiction of the Emperor. That is to say, the Emperor's domain, though its standard is 1,000 square ri, is, in comparison with that of the ancient imperial house in China, more than ten times as large in proportion. Furthermore, the practice of not investing lords with the important localities (the important localities being Osaka, Hiogo, Nara, Sakai, Neegata, Hakodate, and such like) is precisely the [ancient Chinese] principle of not enfeoffing the principal mountains and rivers, and is by no means an afterthought of legislation. Seeing that the government or non-government of a country, the efficiency or inefficiency of an administration, is simply a question of the existence or non-existence of men of the requisite capacity how can it in any degree be a question of forms of constitution? It was said in antiquity, "though we have men called governors, they have no guiding principles by which to govern." And what is the present position of the country? The war on the Eastern border not yet over, the foreign barbarians spying and reconnoitering preparatory to commencing at any moment their disastrous irruption; men's minds filled with alarm and dread, feeling as if they were gazing into an abyss or standing on a film or ice. If things be left in the present state, even though the Government may for a time be carried on, it is to be feared that there will be again commotion and strife; how much more certainly will this eventually occur if we now create a chaotic jumble by revolutionizing the fundamental law? It is for these reasons that we, worthless vassals, consider adherence to the old system to be the proper course. It is understood, of course, that the abuses of the old Shôgunate should be abolished, and the custom of summoning the lords to the capital and enforcing residence there should be reformed; but we are not at present prepared to say what rule should be enacted on that subject.

As the Emperor has at present a multitude of matters on hand, and as this opinion offered up by us, his worthless vassals, is somewhat lengthy, we are afraid that he will possibly not have time to peruse it all. We have therefore epitomized it, as above, and

present only the leading ideas. We pray with profound obeisance that its suggestions may be favourably entertained.

The following members voted for this scheme :—

Imaharu.	Odaki.
Ussunomiya.	Mochigi.
Tannami.	Omura.
Nakatsu.	Nagashima.
Tsuchiura.	Nagas.
Hisai.	Okada.
Tsu.	Kushira.
Kamakata.	Shinjo.
Fukuchigama.	Oshi.
Idzushi.	Takase.
Usuki.	Takashima.
Kururi.	Nagashino.
Shibata.	Honjo.
Hirato.	Udo.
Akidzuki.	Mikkadzuki.
Akita (cadet).	Mori.
Bishiu.	Jida.
Kawagal.	Ashiu.

Scheme F.—*Argument for the Constitution.*

The Constitution is now, as it has been hitherto, a compromise between feudalism and monarchy. In consideration, no doubt, of this fact, the lords have, in emulation of each other, gone so far as to offer up the restoration of their title deeds. This looks as if a movement had set in towards the reform of the feudal system and the establishment of pure monarchy. The truth of this matter is, however, that a Monarchical Government would be exceedingly hard to establish. The lords amount, in round numbers, to above 270 houses, all rich in lands and people. If they were to give up these to the State, and were, in addition, to allow their retainers to become vassals of the Emperor after the close bond of kindness and fidelity had subsided between them as lord and vassal for several hundred years' public opinion would be thrown into an ebullition of sorrow. Consequently their title-deeds should be rectified, and the lords invested anew with their former lands.

The Court nobles, again, who are certainly not less than 150 houses, have only empty titles of rank; for it has never been an established custom to grant them lands for their support. Thus there has been an inevitable separation between the military order and the Court nobles, and the sentiments of the people have been divided between them. Consequently, the members of the Royal Family and the Court nobles should, by receiving beneficiary lands, be placed on the same footing as the lords, be subject to the same military assessments, and bound to personal service (in the field) in the Emperor's cause. Then the old abuses could be reformed; all Government laws and regulations from the administration of a province to the fashion of a weapon made uniform for the whole empire; and all within the four seas would become like a single household. Then the duty of the national defence should be committed to the feudataries, great and small; and if any fault or blunder be committed, the offender should be severely dealt with. In this way the monarchical spirit would be infused into our feudal system, and we should become increasingly strong at home and powerful abroad.

The following members voted for this scheme :—

Chikuzen.	Hirosaki.
Obata.	Miike.
Kashiwabara.	Kasama.

Scheme G.—*Reply to the Four Questions touching the Constitution.*

1. The Constitution, which has subsisted during 10,000 ages, should not be disturbed.

Ever since the Heavenly Ancestors laid the Great Foundation, all the land within the four seas has formed an united whole, and the imperial line has never become extinct. Although during that interval turbulent vassals occasionally usurped the executive power, yet not one ever dared to attempt accession to the Throne. The tie of lord and vassal has been originally respected, and has continued intact to the present day. Now the tie of lord and vassal is the mainstay of the great mutual relations established among men, and

whenever this tie is binding, the vassal, even in a trivial cause, regardless of life or death, discharges to the utmost the vassal's part. This is what is known as the Yamato (Japanese) Spirit; this it is that constitutes the distinctive pre-eminence of our Constitution over that of every country under Heaven. When the Constitution was first established, and the scale of duties once laid down, the discipline of Government was straightway dispensed, and the minds of the people never forsook the right path. In such a country even as China there have been instances of men of ignoble origin becoming Emperor; while, again, if we come to the barbarous savages of the West, they choose a clever man from among the populace and make him their ruler; and, if he be a man of extraordinary merit, hoist him into the Sovereignty of the country. To perceive the utter dissimilarity between such Constitutions and ours, requires, surely, no philosopher's aid. The ugly barbarians are now encroaching on us from day to day; barbarian fashions are becoming prevalent from month to month; our native bandits are not yet quelled; every man is setting up a code of manners for himself; every family following only the observances that please itself. While men's hearts are thus bewildered and led astray uniformity or consistency is nowhere to be found. Now, in laying this day the great foundation, if, without pondering the Constitution well, we be intent only on the systems of Government of the barbarians, will the result be in accordance with the injunctions left us by the Heavenly ancestors? In short, will the countless households of the people have cause to rejoice? On the issue of to-day's debate hangs feudalism or monarchy. For which alternative, then, should the verdict of instant preferment, or that of distant deferment, be pronounced?

2. That which all the people of the country concur in thinking beneficial is called the common weal. What, then, are those things which all the people of the country alike consider beneficial? That the Constitution be respected, that allegiance to the Emperor be sincere, that the duties of each station be strictly fulfilled, that the discipline of Government be operative throughout the whole empire, that the baneful barbarian mania be rooted out of people's hearts—these are the things which as they together make up the common weal, constitute a force efficient to unite the sentiments of the nation. Now, after the common weal has been placed on a firm foundation, and, by consequence, public feeling united, it will then be well to go further and introduce the ingenious inventions of machinery and employ the conveniency of ships-of-war. But so long as the common weal is unsettled even to a slight extent, and, by consequence, public feeling disunited, it will be impossible to engage properly even in friendly intercourse. And how much less in war? And so long as public feeling is conflicting, even in a minor degree, it will be impossible to maintain public order even by the established feudal system. And how much less by a transition to monarchy? If some two or three men at present in the high places of power, obtruding their own personal predilections and glazing these under the title of the common weal, persist in silencing by the offer of high rewards and the infliction of oppressive penalties the opinions of the millions and tens of millions that chime not in with theirs, will the consequences to the empire, pray, be truly entitled to the designation of the common weal?

3. It was a maxim of the ancients that the founder of any great work should make the ordering aright of the people's hearts, his corner-stone. Accordingly, if those in the position of superiors make the right disposal of the people's hearts, the basis of their governing system while those in the position of inferiors make a dutiful obedience to superiors the normal attitude of their minds, the sentiments of the whole nation will be poised in stable unanimity, duties will be perfectly discharged, and genuine, eager fidelity spontaneously engendered. When this consummation shall have been realized, will there be any national enterprise which the country cannot accomplish, much less the reformation of its laws? To maintain a dutiful harmony of sentiment between superior and inferior, and to uphold the Emperor as the basis of our policy—is not this that great foundation of Government whereon the common weal shall stand throughout ten thousand generations.

4. While the monarchical reform is not yet universally accepted; while the foreign barbarians are perpetually on the prowl; while our intestine troubles are still unassuaged; and while throughout the empire people cannot call their lives their own—to change the feudal constitution is, under existing conditions, an utter impracticability. As we have argued in the preceding section, as soon as that great foundation of the realm of the Tenno, which shall subsist immoveable in the lapse of ages, shall have been firmly established, then, afterwards, with a clear insight into first principles and an enlightened perception of the general movement of the age, to discuss this question slowly and calmly—is not this the course that ought to be pursued?

The following members voted for this scheme:—

Hitoyoshi.
Matsumoto.
Hitotsubashi.
Akita.

Tsuruga.
Kurobane.
Matsushiro.

This is a general summary of the debate, all beyond the leading ideas being omitted in the report.

The decision of His Majesty on the subject of the above debate was delivered in the Castle, on the 6th of July, in the following

Speech from the Throne.

The matter of the restoration of lands and vassals has been very widely discussed, and the tenor of the decisions which have from time to time been reported to me has been, with perfect unanimity, to the effect that the Government of the empire should be administered through one consistent organization. In furtherance of this object, it is my desire, by establishing the three Governmental Departments of Cities, Fiefs, and Towns (Fu, Han, Ken), to consolidate all the territory within the four seas. Consequently, I intend, according to a new arrangement, to appoint you (the Daimios), Prefects of your respective fiefs (Chi-han-ji) ; and you are commanded to express your opinions as to the merits of this scheme without reserve.

Inclosure 3 in No. 26.

Reports privately circulated during the 8th month (since September 6).

(Translation.)

IT is said that those clans of the middle and western provinces who have all along advocated the expulsion of the barbarians (Inaba, Bizen, &c.) are secretly murmuring. They complain that the cause why the Emperor's purpose of driving out the barbarians had not communicated itself to the whole people lay in the remissness of the Bakufu. The reason why the united clans engaged vigorously after the Fushimi affair in the task of suppressing the eastern rebels was not that they hated the Bakufu (*i.e.*, the Tycoon's Government), but that they hated foreigners. It was with the expectation of seeing the Emperor's purpose of expelling the barbarians carried into execution, that they put down the rebels of the north and east, after which they reckoned confidently on the barbarians being driven out. What has been their disappointment to find, after the reduction of the north and east, that a more intimate friendship with foreigners than even under the old Government has sprung up, and their stupefaction has been increased by this new decree for the appointment of Chihanji. Things, they say, can never be allowed to go on in this way.

These are mere rumours, but it is a fact that they have been disappointed in their expectations, and it is reported that a feeling of sympathy and pity for Aidzu and the others has lately sprung up, though till last year they were opprobriously styled robbers.

Inclosure 4 in No. 26.

Speech of the Emperor of Japan to the Nobles.

(Translation.)

ALTHOUGH amongst the countries of the world there exists the distinction of native and foreign, of friendly and strange, yet does any reason exist why they should not hold mutual intercourse? Indeed, intercourse has already been long since established, and furthermore, the faith of the Treaties must be strictly kept. I purpose, therefore, to maintain foreign relations, and, while seeking faithfully and sincerely to carry out engagements, it will be my first object to uphold in its integrity the constitutional independence of the country and the Throne. Meanwhile your opinions (as to the best mode of carrying out this policy) should be fearlessly expressed.

Sir H. Parkes to the Earl of Clarendon.—(Received November 24.)

My Lord,

Yokohama, October 8, 1869.

I HAVE the honour to report that I have heard through Her Majesty's Consuls for Osaka and Hiogo and Nagasaki of the arrival of His Royal Highness the Duke of Edinburgh at Hiogo on the 18th instant, at Osaka on the 19th, and at Nagasaki on the 24th. It was the intention of His Royal Highness to proceed from Nagasaki to Peking.

Her Majesty's Consuls report that the Japanese authorities at the above-mentioned places had greatly exerted themselves to receive His Royal Highness with becoming honours, and with all the attention in their power.

I have, &c.

(Signed) HARRY S. PARKES.

Sir H. Parkes to the Earl of Clarendon.—(Received November 30.)

My Lord,

Yedo, October 8, 1869.

I HAVE the honour to forward translations by Mr. Aston of two debates in the Japanese Parliament on the national custom of suicide by disembowelling, commonly known as harakiri, or seppuku, and on the practice of wearing two swords by the privileged and numerous class called Samurai.

These two debates furnish an instructive insight into the national thought and feeling on these two particular customs of Japan; both motions were introduced by private members, with a view to the abolition of the practices in question, but were met on each case with decided rejection, 200 members in a House of 209 voting against the suppression of seppuku, and the whole House expressing itself opposed to any modification of the rules which at present obtain as to the wearing of two swords.

One of the members describes seppuku as "the very shrine of the Japanese national spirit, and the embodiment in practice of devotion to principle," and most of them viewed the proposal to abolish it as calculated to weaken the military spirit, to remove a marked social distinction between the two-sworded class and the common people, and to destroy an important class privilege which allows the two-sworded man who has committed a public offence to carry out his own punishment, and thus spare himself the disgrace, and the law the inconvenience, of a public execution.

It was because I was aware that this mode of punishment was allowed to Samurai, to use the words of one of the speakers in the debate "as a means of avoiding the pain of disgrace," that I insisted, when at Kioto in March 1868, upon the publication of a Decree making known that this honourable mode of execution should not in future be permitted in the case of a Samurai taking the life of a foreigner, and also that all attacks upon foreigners should be treated as ignominious offences, entailing the forfeiture of any privilege as to punishment which rank or class might confer upon the offender.

The tone of these debates afford some indications of the conservative character which the present House is reputed to possess. The reference made by the mover of the debate on seppuku to foreign usages, naturally provoked the rejoinder from several of the members, that Japan was not to be expected to mould her customs upon those of foreign nations. There may be some justice also in the observations of several of the members that the discussion of such questions is not well-timed, at a moment when the country is engaged in the more serious and primary work of organizing a new Constitution. On the other hand it is possible that the Government may perceive that that work would be accelerated if they had an unarmed instead of a two-sworded population to control, and the last speaker on the debate relative to wearing two swords may have supposed that this idea was entertained in some quarters when he observed that "these measures for the support of the Imperial Power should be brought forward somewhat later."

Such discussions, however, can scarcely fail to serve as a stimulus to political thought, which is the first condition of natural improvement. And although much of the matter of these debates may appear to the foreigner to be trivial or inconclusive, it will be seen that the arguments of some of the members are distinguished by boldness and good sense, which it may be hoped will carry with them the weight to which they are entitled. Thus, in the

debate on seppuku, Sakakibara Senzô remarks, "Samurai, actuated by a strong sense of shame, are not to be deterred from committing suicide by a prohibitory law. It is sad when men put an end to their own lives in remorse for crimes which they have committed, but the disposition of such men is independent of the existence or non-existence of laws. When the Empire has been placed on a solid basis, and the national morals established, the seppuku will of itself cease without any positive prohibitions." And in the debate on wearing two swords, Sonoda Tomotsu observes—"If it is a good maxim for the soldier in peaceful times never to forget war, what shall we say of a measure that asks us, even in the midst of civil disorder, to forget the existence of civil disorder. What, I ask, is the character of the times in which we live? The object of the soldier caste wearing two swords, is that they may suppress war by war; but as the chief glory of the sword consists in its resting quietly in its sheath, it follows that a national stimulus is given to letters, and this being the case, how is it possible to abolish this practice, were even more swords worn than there are? If civilization and enlightenment become widely diffused, what fear is there of ruffianly violence? if on the other hand they should not become widely diffused, there will be ruffians, though even pocket knives should not be carried."

In justice to the members it should be observed, that their speeches are given in writing, and only a condensed summary of these is published in the proceedings of the House. The translations now forwarded are made from the *précis* thus prepared.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure 1 in No. 28.

Debate in the Japanese Parliament on the question of prohibiting the "Seppuku" (*"Harakiri," Disembowelling*).

(Translation.)

THE following proposal was made by Oro Seigoro, Clerk of the House:—

In Japan we have a kind of punishment for two-sworded men called the seppuku. Besides, it often happens that men whose guilt is not evident commit seppuku of their own accord while still unconvicted, thus expiating their crimes, and such conduct is clamorously applauded by our two-sworded class. I hear, however, that this custom of seppuku is quite unknown throughout the different countries of Europe.

I have no fault to find with those who commit seppuku in obedience to orders, but the conduct of those who do so without awaiting orders ought to be looked upon as highly immoral. Why is this? The reason is, that if the man is after all guiltless, a searching investigation will show his innocence. What need is there for him to commit seppuku? If, on the other hand, he is guilty, we have our national criminal laws. He should bear his guilt with resignation, and await the Imperial decision. What need has he to commit seppuku? To do so is to treat with contempt the criminal statutes of our country, and instead of expiating crime to add one crime to another.

It should be remarked that most two-sworded men who commit seppuku are men of parts and with a strong sense of shame. It is needless to say that if such men repented, and, urged by an indignant sense of their errors, employed their talents industriously, they would do their country good service, but in my opinion death for a fault or two of doubtful character at the same time blocks up the way of self-examination to the individual, and is at variance with the Imperial plans for the national prosperity. I think advantage ought to be taken of the present reform of the Government to prohibit this practice.

Précis of the Debate on this Question.

Amenomori Kenzaburo.—To commit seppuku without awaiting orders may seem a rash act, but such a resolve proceeds from an elevated sense of duty, and is not found in those who know neither modesty nor shame. If the prohibition of the seppuku is persisted in, men of desperate resolve and fearless of death will certainly disregard it, while effeminate persons will probably make a pretence for clinging to life. There is no leisure for stirring up and raising the spirit of the two-sworded class from its present degradation, but how shall we consent merely to add earth to earth?

The seppuku should decidedly not be prohibited.

Seven others agreed generally with the last speaker.

Matsu Wataru.—The practice of commanding a Samurai to commit seppuku is applicable to cases where a feeling of compassion prevents the employment of capital

punishment, while the maintenance of law requires that no other punishment than death shall suffice. It amounts to treating the offender with forbearance, and sparing him shame, by placing the decision of his guilt in his own hands. Such a practice should not be termed immoral.

Of those who commit seppuku without awaiting legal punishment, there are two classes,—those who are conscious of having committed a great crime, and who pay the penalty of their guilt by a self-inflicted punishment, and those who are conscious that right principle demands their death, and that they could not at any rate escape.

This form of punishment should certainly not be abolished.

Two others agreed generally with the last speaker.

Okamoto Jihei.—This proposal, as well as that prohibiting the wearing of two swords, is pernicious to our national constitution, which is unique in the whole world, and is destructive of our unequalled national morality, both public and domestic.

Sasaki Tetsuyemon.—The punishment of seppuku was intended to give importance to the Samurai, and to mark the low rank of the common people. It is unnecessary to argue against its prohibition.

It may seem plausible to interdict it in cases where it expiates the guilt of reckless crime, and is not done on behalf of lord or parent, but even then it proceeds from a consciousness of guilt, and from contrition of heart. It is an institution well suited to the temper of the Japanese Samurai, and we cannot venture to treat it with contempt.

Sonoda Tamoten.—The sage, Confucius, forbids the punishment of the high officer by death. In putting an officer to death, good faith requires that insult shall not be added to punishment. Officers of all rank resolve on death when circumstances require it. How can this practice be prevented by a stringent law?

Japan is becoming more and more degraded, and modesty and purity are becoming extinguished. Nothing but the names of officer and minister are left; in their hearts they are traders. If the public morals are neglected and are not raised up from their low condition, in the course of time, when the order to commit seppuku is given, no one will obey. So far, therefore, from prohibiting the seppuku, it is a great blessing to our country that men who commit it still remain in it.

Kaji Matasayemon.—It may seem, at first sight, an immoral act to die without awaiting the judge's sentence, but this does not proceed from a contempt for authority. The commission of the seppuku is owing to a natural sense of shame being deeply rooted in the heart. It is a national custom founded on what is due to the national sense of justice and to Japan as a nation.

It may be proper to prohibit the seppuku in cases where no legal sentence has been pronounced, but if the law constituting it a punishment for two-sworded men be not maintained, the distinction between them and the common people will be obliterated.

Watanabe Seijemon.—The prohibition of the seppuku seems plausible as according with a regard for human life. The seppuku is, however, a means of fostering a sense of shame, and the law should be allowed to remain unchanged, but officers of all ranks should be prohibited from attacking human life by shameless debauchery.

Horiye Gakuyemon.—The seppuku affords our two-sworded class an opportunity of satisfying their resolve by suicide in cases where there is no other alternative.

The fact that European religions forbid suicide has nothing to do with the present discussion. To prohibit the seppuku is to prevent two-sworded men from satisfying their resolve, and is highly inadvisable.

Fukui Daiske.—The Seppuku is a gratification to the two-sworded class, and is a very suitable form of punishment. It is impossible to prevent it in cases where the culprit is self-condemned. In neither case should it be prohibited.

Hara Motonoske.—Even though this rule should be established it is certain that the two-sworded class will break it. Some too will privately (*i.e.*, uncondemned) commit suicide by cutting their throats, and in other ways. To prohibit the seppuku alone would only tend to destroy the morals of the two-sworded class.

Mikki Nuinoske.—It is much to be regretted that men whose guilt is not evident should commit seppuku, and I have no objection to its being prohibited in such cases. There should be a special rule for the punishment of criminals who petition for the Imperial decision. If they should appear deserving of death it is indifferent whether they die by their own hand or that of another. If the seppuku is indiscriminately prohibited I do not know what other suitable punishment can be devised.

Aritake Yutaka.—It is unnecessary to prove that it is wrong to commit seppuku without awaiting orders. Cases of this kind are mostly due to insanity. What then can be done to prevent such a law from being broken? There is no better plan than to remove the cause of the disease by solid instruction.

The punishment of the seppuku is a means of marking the distinction in rank between the two-sworded class and the common people, and should not be prohibited.

Kokubuji Gembei.—I do not think it possible to carry into effect a prohibition of the seppuku. Our country has always placed the soldier class in the first rank, and attached great importance to principle. Therefore it is that some commit suicide from a fear of the disgrace of wrongful imprisonment, whilst others who, from a high sense of honour have devoted themselves to death, are compelled by principle to commit suicide when they fall into the hands of the enemy.

The prohibition of the seppuku would be the destruction of the soldier class and an incentive to immorality.

Saito Konoshu agreed generally with the last speaker.

Ikuda Hinobu.—The custom of seppuku is a great ornament to the empire. Why should it be abolished? It seems proper to prohibit it stringently in cases where a judicial sentence has not been pronounced, but still if it were indiscriminately forbidden morality would suffer. If there was any means of preventing this evil result I should be in favour of a prohibitory measure.

Nonomura Rinyemon.—The soldier ranks above the farmer, the artizan, and the merchant, and it is repugnant to his feelings to suffer the same punishment as they. We should not imitate the customs of foreign countries, and the punishment of seppuku should not be abolished. I do not refer to those who disobey the orders of their military superiors. The practice of committing seppuku on one's own responsibility, and without awaiting judicial sentence, should be stringently prohibited.

Nakane Shohei.—It may be true that the seppuku is not practised in any of the countries of Europe, but we should not conclude that this state of things must be the best.

I am of the same opinion as the proposer of this question, viz., that the seppuku as a legal punishment should be abolished. To prohibit it, however, in cases where a Samurai commits suicide from a sense of shame, would be injurious to the interests of morality. There is no immorality in committing seppuku without awaiting a judicial sentence.

On ordinary occasions duty requires that the Imperial sentence should be awaited, but there are exceptional cases where duty makes it necessary to commit suicide.

Yasujima Kaizo.—Nothing is more difficult than to sacrifice life for principle. A Samurai without principle does not deserve the name of Samurai.

The best plan to encourage ability is to foster high principle; therefore the seppuku should not be abolished.

Nakazato Kozo agreed generally with the last speaker.

Midsuno Tatsusaburo.—The seppuku is not a recognized punishment of our criminal code. It ought to be looked upon as a privilege compassionately granted to the samurai by the authorities under certain circumstances. I am of opinion that those who of themselves commit seppuku do so from a sudden impulse on finding that their statements are not credited by their superiors. It is fruitless to prohibit this practice, and such a measure could not be carried into execution.

Tominaga Shume.—The custom of seppuku is founded on high principle, courage, and integrity, and is worthy of the highest praise. To prohibit it would be to remove one of the pillars of the Constitution.

Kawanishi Rokuzo.—In order to put a stop to the seppuku in cases where the guilt of the accused is doubtful, the rule of self-judgment should be established, and the seppuku restored to its former position as a punishment in the case of faithful Ministers and loyal retainers to whom integrity is dear.

Akimoto Yoske.—What reason can there be given for the abolition of the seppuku? The countries of the Western seas have each their own laws, but they do not concern our great Empire of the East.

In the original question proposed for discussion these words occur: "The conduct of those who do so," &c. This looks like ignorance of the duty of self-sentence on the part of those conscious of guilt.

The original proposal states, further, "If on the other hand he is guilty," &c. This opens the way to hopes of a possible reprieve on the pretence of refraining from committing suicide while awaiting the Imperial decision.

The sentence commencing, "But in my opinion death," &c., was doubtless dictated by humane feelings; but if principle is not to gain the victory over compassion, the morals of the soldier class cannot be maintained.

Takizawa Saigo—The seppuku is not a punishment for villainous crimes, or those which have their origin in low vice or immoderate greed.

It is a punishment that accords well with human passions, and also tends to encourage the practice of virtue.

Laws differ according to the character of the country and its inhabitants. I am opposed to establishing foreign customs and abolishing a punishment of our national criminal code.

Nam Kinyemon.—It may seem plausible to prohibit the seppuku, but we should remember that our customs and religion are different from those of foreign countries. The seppuku should not be prohibited, as to do so would have a strong tendency to effeminate the mind of the Samurai.

Sazuki Zoshitaro.—When inferiors are treated by superiors with courtesy there are no cases of insolence and insubordination followed by self-judgment without awaiting a judicial sentence; if the doctrines of the sages are clearly apprehended there will be no cases of committing seppuku consequent on recklessly offending against the laws of the land. For this reason schools should be erected and teachers appointed. If in this way nourishment is furnished to the roots (of the nation), the practice of seppuku will cease without being prohibited.

Tachibana Jirozayemon.—Of course there is nothing improper in committing seppuku when ordered to do so. It is also proper to applaud those who expiate their crimes by committing seppuku from remorse.

It may seem immoral to commit seppuku without awaiting orders; but is there no shame in publicly exposing a disgraced countenance while awaiting judicial sentence, when the culprit guilty of a capital crime and stung by remorse has already condemned himself.

What can be done in the case of those who commit seppuku when of unsound mind.

If in spite of these considerations the prohibition of seppuku is persisted in, it will be impossible to carry out the measure without at the same time abolishing the practice of wearing two swords, now universal in this Empire.

What use is there in introducing a measure which can never be executed?

Fujita Katonnoske.—I propose to cancel that part of the original proposal from the words "In Japan, &c." down to "the different countries of Europe."

From ancient times there have been in our country many cases of right principle having been vindicated by the seppuku. Further, seppuku invariably proceeds from a sense of shame, which ought to be encouraged by its remaining unprohibited. This will be a step towards creating a valiant soldier caste.

Karube Itsinja.—A speedy death by seppuku resulting from remorse for crime is a means of avoiding the pain of disgrace; how can it be said to be a contempt of the criminal law? how on the other hand can it be styled an expiation of guilt. By death the criminal barely restores himself to his position as a human being. If he lives he is a scoundrel, but if he dies he for the first time manifests a sense of shame. To prohibit the seppuku would be to close the public path of honour and throw open the private path of scoundrelism.

Hirayama Shiyemon.—I should be inclined to think the prohibition of the seppuku an advisable measure were it not that the severe morals of our soldier caste have no parallel in any European country. If we wish to prohibit the seppuku we must gradually change our common and statute law and reform it on an European model. If this be not done I suspect it will not be easy to carry out the single measure of prohibiting the seppuku.

Yoshida Gonzo.—The infliction of capital punishment for offences against the criminal laws cannot be avoided, but it is at the same time necessary to distinguish the two-sworded man from the lower class of retainers. The seppuku does so because it rests upon his sense of duty and shame.

It is highly immoral to commit seppuku before the criminal has been condemned for his offence. We have our criminal laws which ought to insure his punishment. It is desirable even after the death of the offender that his crimes should be inquired into and suitable steps taken.

Kashiwagi Hiogei.—Our most urgent business at the present time is to establish the first principles of government. Such questions as the seppuku may very well rest until this has been accomplished.

Nakano Chomei.—There is a custom for the Samurai of this divine country to commit seppuku when guilty of crimes. Whether this practice be prohibited or not, how will it be possible to prevent it as those who commit seppuku are regardless of future consequences. This is the true Japanese spirit. Rather than abolish a punishment on theoretical grounds, we ought to maintain a custom which fosters a sense of shame in the members of the military caste, and in the existence of which doubtless consists the superiority of Japan over other countries.

Kashu Kansuki agreed generally with the last speaker.

Imai Kimpei.—The praise accorded to the seppuku is a tribute to high principle and a sense of shame. Amongst those who expiate their guilt by committing seppuku without awaiting sentence is it likely that there are any who do so without due consideration. To prohibit the seppuku now would lead the way to effeminacy of manners in future time.

Two other members agreed generally with the last speaker.

Kato Shuzo.—I am in favour of retaining the punishment of the seppuku. It is impossible to carry out a prohibition of the seppuku in cases where it is performed without awaiting orders.

The seppuku should be retained and by this means a sense of shame fostered in our two-sworded men of all classes.

Kondo Koji.—Our country naturally differs from foreign countries in the method of maintaining a military class. The seppuku is specially intended for the encouragement of high principle; if it were abolished the soldier-spirit would deteriorate and such a course would be contrary to the Imperial resolve of encouraging ability throughout this Empire.

Four other members agreed generally with the last speaker.

Kurijama Sai ichira.—To place this immortal Empire on a solid basis, nothing is more urgently needed than to establish the national constitution and to define clearly the words "opening" and "closing" (Japan to foreign intercourse). I am of opinion that, if this be not done, whilst we are engaged in the discussion of legislative measures, difficult questions will not improbably arise regarding the opening or closing of Japan to foreign intercourse, and contradictory opinions become rife.

In the proposal under discussion these words occur: "I hear, however, that this custom is quite unknown throughout the different countries of Europe." This is perhaps to be attributed to the different doctrines professed by them.

The gist of the whole proposal seems to be the prohibition of suicide. But when suicide proceeds from a consciousness of guilt, what is there wrong in it? Much less should it be condemned when committed in pursuance of orders. If references to the constitutions of foreign countries are introduced into a discussion like the present which affects our national constitution, we shall be drawn into stormy debates on the question of opening or closing Japan to foreign intercourse.

Takeida Heinoske.—The custom of seppuku is an ornament to our country and is one reason of its superiority over the countries beyond the seas. An honourable sense of shame should be encouraged and the spirit of the soldier caste stirred up, whereas the proposed prohibition would weaken the natural vigour of the nation and steal away the high spirit which has for ages animated it.

I am decidedly opposed to this prohibition.

Forty-seven of the members agreed generally with the last speaker.

Katama Sei.—It is proper that there should be a law for punishing Samurai by the seppuku.

Those who, while under suspicion of guilt, anticipate the Imperial decision, may be deemed to have committed an immoral act, but there is no general principle applicable to such cases.

A sense of shame leaves some no other alternative, and in their case a prohibition would be ineffectual.

Four other members agreed generally with the speaker.

Ikeda Sekiichino.—The practice of committing seppuku proceeds from the brave and virtuous feelings which animate the soldier-class of this country. This being so, the way to nourish the soldier-spirit is to tolerate or even to enjoin the practice of suicide.

Except in cases where the heinous nature of his guilt requires that the criminal shall be crucified or have his head publicly exposed, Samurai guilty of capital crimes should be condemned to commit suicide by seppuku.

Tsurui Hikozaemon agreed generally with the last speaker.

Isobei Kangoro.—The punishment of death by seppuku is an article of the criminal code. Will the prohibition of it cause no embarrassment in the working of our constitution?

Cases of suicide in anticipation of a judicial order, whether committed for the sake of lord or parent, or compelled by a sense of duty, ought to be looked on with indulgence, and all the circumstances fully considered.

Such persons should be deemed to have died a natural death, and their maintaining their integrity to the last should have our sympathy.

Why should this custom be prohibited in imitation of the effeminacy of foreign nations?

Kioso Hikoske.—The proposal to abolish the seppuku as a punishment for two-sworded men is highly objectionable. It will not be easy by a prohibitory law to prevent Samurai of high principle, and endued with a strong sense of shame from committing seppuku of their own accord, whilst the proof of their guilt is still uncertain.

Yoshino Fukasa agreed generally with the last speaker.

Fuouye Shazo.—The seppuku is a valuable institution among the two-sworded class of this country, and is the means of inspiring a sense of shame. It should certainly not be prohibited. The practice of committing seppuku in anticipation of a judicial order might very properly be interdicted, but such a measure could not be executed.

Sato Hachiyemon.—The maintenance of morality among the soldier class depends upon the seppuku, and it is also consonant with the principle that punishment should not reach the high official. I cannot see in what it is objectionable. Those who commit seppuku without awaiting orders are of two classes: some do so after (ineffectual) remonstrances with their chiefs, or in consequence of civil disorders. In all such cases the motives are sincerity and compassionate feelings, and a prohibition will have no effect in putting a stop to the practice.

Hirayama Kotaro agreed generally with the last speaker.

Ogui Gonyemon.—The punishment of the seppuku resting as it does on the distinction between the member of the military caste and the peasant, artizan, and merchant, is intended to whet the soldier spirit.

Those whose commit seppuku without awaiting orders ought rather to be praised for resolution and magnanimity.

It may be true that this custom does not exist in foreign countries, but the manners of this empire are different.

The seppuku is a valuable institution, tending to the honour of the nobles and based in a compassionate feeling towards the official caste.

No one should be allowed to commit seppuku in consequence of a single outburst of passion on the part of his chief.

Ishiwara Shichino agreed generally with the last speaker.

Honda Kadzuma.—The reason why the seppuku is practised in this empire and not in foreign countries, is because this empire is an empire. There are several classes of those who pass sentence on themselves without awaiting orders. Some have remonstrated with their lord or parent, and on their remonstrances being disregarded have given weight to them by committing suicide. Others have died to restore peace to their country. Why should we interdict the seppuku in cases where it is performed while the guilt of the accused remain uncertain? How can a man who is conscious of guilt endure to look his fellows in the face? Self-condemnation is a sign of a nature uncorrupted and conscious of shame.

Two other members agreed with the last speaker.

Kato Isawo.—The seppuku is an old established and valuable institution of this country, and should not be abolished. Only the desperate and insane commit seppuku in anticipation of orders, and whilst their own guilt is still unproved. In such cases the practice may be prohibited, but no harm will be done by not prohibiting it.

Date Goro.—The blunt swords of the Western countries are unfit instruments for committing seppuku. It is an act displaying courage and a cheerful alacrity, and is therefore deserving of praise, but as it generally proceeds from over-scrupulousness, it should be ascribed to a sense of shame carried to an unhealthy extreme. In other cases of suicide the causes are obscure. For these reasons no national advantage is gained by it, and all kinds of suicide as well as the seppuku should be prohibited as illegal acts.

Nakazawa Senso.—The punishment of the Samurai of our country, by means of the seppuku, is a truly noble institution. Those who commit seppuku do so from a sense of guilt, and from remorse. The seppuku deserves praise as an evidence of the Japanese national temper, and ought not to be prohibited.

Iwasaki Fozodayu.—The seppuku is a pillar of religion and a spur to virtue. If it were abolished, modesty would become more rare.

Men of magnanimous sentiments should be encouraged while yet their crimes are unproved, to expiate them by penitence and zealous service.

Sugimori Rokurobei.—Not only will it be impossible to carry into execution a prohibition of the seppuku, but the practice, although prohibited will not cease, and will be the cause of incriminating innocent relations.

Self-condemnation is a noble custom which dignifies the Samurai's sense of duty towards his country. Of such customs we cannot have too many; why should it be abolished?

Kozeki Yoyemon.—A prohibition of the practice of self-punishment by the seppuku

might be carried into execution in a country where propriety, principle, and a sense of shame are unknown.

In this country of the gods, and under our present reformed Government, is it necessary to discuss such a law?

Wakabayashi kambei.—A brave and heroic spirit is not yet entirely extinguished in this country, for there are men who commit suicide by the seppuku.

It is unnecessary to discuss the question of whether it is practised in foreign countries or not. It is consonant to the feelings of this nation that the seppuku should be the privilege of all, from the Samurai upwards, and the custom should be maintained as hitherto.

No advantage will be gained by prohibiting it in the other cases referred to.

Minata Chunojo.—The seppuku is one of those points where this empire excels all other countries. It is impossible to carry into execution a prohibition of this practice. Whether it becomes obsolete or not depends upon whether European learning is generally diffused or otherwise. The seppuku may be stringently prohibited, but the virtue inherent in this empire cannot be suddenly restrained.

Something should be done to put a stop to the practice of prisoners poisoning themselves before their guilt has been investigated.

Akagishi Hiozo.—If the seppuku is stringently prohibited, and the principle established that the guilt of a criminal must be thoroughly investigated, all sense of shame will be forgotten, death will be dreaded, principle will be despised, and men will try to justify themselves at the expense of their lords or parents.

The base customs of Western nations should not be imitated.

Shingu Sadayu.—The abolition of the seppuku would constitute an obstacle to the maintenance of a sense of shame amongst our soldier caste.

The old custom should be allowed to remain for a time. To enter upon the reform of such subordinate matters whilst the very foundations of our country remain unsettled, would be to reverse the natural order of things.

Tomi Matsu Kayemon.—I am in favour of prohibiting the seppuku as an expiation of guilt. But there are degrees in guilt. In the case of minor offences, if the criminal repents of his crimes, reforms, and acquits himself of his duties with zeal and diligence, he may do his country good service.

The morality of the official caste accounts it a disgrace for those guilty of grave offences to confess their guilt, and submit resignedly to the punishment awarded by the law. Hence, according to the praiseworthy practice of our military caste, they expiate their crimes by committing seppuku before their guilt has been investigated. What justification is there for an indiscriminate prohibition of the seppuku, in trivial and grave cases alike, in imitation of the practice of the Western nations?

Akimoto Keinojô.—I can see no distinction between committing seppuku in compliance with orders and in anticipation of orders. When the criminal commits seppuku of his own accord, he does so in order to expiate his guilt and in honour to the national sense of justice. Why should we institute comparisons with foreign countries? I am opposed to the prohibition of the seppuku.

Okada Matakitchutaro.—The seppuku is a custom founded in the sense of shame implanted in the breasts of the Samurai of this empire. If this law is passed, propriety, principle, and a sense of shame will be forgotten. It cannot be carried into execution until we borrow the customs of the outer barbarians and adopt their costume. Instead of prohibiting the seppuku we had better attend to the reform of our criminal law, the diffusion of education, and the inculcation of a sense of duty in the official class of this empire.

If this be done we shall not hear of suicide being committed for frivolous reasons.

Nagasaka Tetsunoske.—The punishment of the seppuku is a custom which adds to the dignity of the Samurai, and is calculated to cherish in him a sense of shame.

Of those who commit seppuku without orders, some do so for the sake of the lives of their lords or parents. Is not this a noble act? I trust that this custom may be maintained, and that while the spirit of the soldier is nourished a good Government may render the seppuku unnecessary.

Sakada Hakusa.—The seppuku has its origin in the sacred vital energy of this divine country, and is the shrine of the Japanese national spirit (Yamato-spirit). Unquestionably it should not be prohibited. Its practice should be extended, and by this means a sense of shame fostered, and the seppuku should be made famous throughout the world as an example of devotion to principle. It ought to be introduced into our criminal code as the form of capital punishment for those above the rank of Samurai.

Iwamoto Hanji.—The seppuku is an incentive to virtue, and is one means of fostering

ability. Do not good Government and enlightenment call for its maintenance? If the seppuku be abolished what punishment is proposed as a substitute? Subjects like the present ought not to be started for discussion.

Nishikiori Shiritayu.—The common Samurai and the high officers of this country, when guilty of crimes, are either ordered to die or commit seppuku from a sense that duty requires them to do so.

Such generosity and exalted virtue is rare, and is unknown in any other country. Is it not a mistake to assimilate Japan with foreign countries by prohibiting the exercise of these rare virtues?

Three other members agreed generally with the last speaker.

Kumagaye Teizo.—The virtuous character of the Japanese Samurai is to honour propriety, high principle, and a sense of shame; and even if the seppuku is prohibited is it likely that he will obey, when the time has arrived when he ought to die?

The seppuku should be maintained and not abolished.

Eight other members agreed generally with this speaker.

Sakakibara Senzo.—In punishing Samurai there is a custom called the seppuku. This, however, is not properly called a punishment.

I highly approve of the opinions of the proposer of this resolution. Where he says, "the conduct of those who do so without awaiting orders, &c.," he lays down a principle which applies to other forms of suicide as well as the seppuku. Again he says, "If the man is, after all, guiltless, a searching investigation will show his innocence, &c." Here I cannot agree with him. Those who in such cases commit seppuku are the very men of parts, and with a strong sense of shame of whom he speaks. Samurai of this stamp are not to be deterred from committing suicide by a prohibitory law. It is said when men put an end to their own lives in remorse for crimes which they have committed, that the disposition of such men is independent of the existence or non-existence of laws.

When the empire has been placed on a solid basis, and the national morals established, the seppuku will of itself cease without any positive prohibition.

Hoashi Riokichi.—It is necessary to put even the Samurai to death when guilty of a capital offence. If we abolish the punishment of the seppuku what shall we substitute for it? It is better to retain this practice than to substitute simple execution. The Samurai who commits suicide in anticipation of orders does so because he feels that he cannot escape capital punishment.

We ought not to deem noble those brazen-faced fellows who think no shame of self-accusation. The seppuku should be left to each man's own judgment, and should not be suppressed by law. If a law is passed that cannot be carried out the prestige of the Government will be injured and the spirit of the Samurai broken. I have no objection to the seppuku being prohibited in cases where an individual commits it while his offence is doubtful, and no judicial decision has been given.

Kaseya Gombei.—I have no objections to the seppuku being prohibited in cases where no crime has yet been brought home to the person who commits it. I am, however, opposed to its indiscriminate prohibition, for it is one of those things which exalt our empire above foreign countries.

Eight other members agreed with the last speaker.

Sato Sakai.—It is my opinion that, when the Samurai commits a capital offence he should not be bound, nor exposed in the public streets, but should be allowed, as provided by our ancient laws, to commit suicide in his own house, and the mode of punishment in his case distinguished from the punishment of men of the lower class.

It may be said that it is immoral to commit seppuku without awaiting orders, but a resolve to die proceeds from a consciousness that escape from death is impossible. It is impossible to lay down a general rule for these cases.

Six other members agreed with the last speaker.

Tonida Sanzo.—I can find no flaw in the argument for the abolition of the seppuku. There were, however, reasons which made this form of punishment necessary.

If we had a disinterested and illustrious Government it would be possible to frame a criminal code which could be executed humanely and in such a way as not to shock public feelings.

I am in favour of this form of punishment being abolished.

Usuda Tsukane.—The seppuku is a stimulus to the resolute temper which has characterized the citizens of this empire from ancient times, and not only so, but it makes a distinction between the Samurai and the common people.

It adds dignity to the Samurai and encourages in him a sense of shame.

I am desirous that great offences connected with the position of Samurai should be punished by the seppuku, and those of a different character by simple execution.

The voting on this question was as follows :—

Ayes, 3.
Noes, 200.
No vote, 6.

It was consequently resolved that the seppuku should not be abolished.

Inclosure 2 in No. 28.

Debate in the Japanese Parliament on the question of making it Optional to wear Two Swords.

(Translation.)

THE twelfth subject for debate comprised two clauses :—

1. It should be made optional for every one, except Government officials and soldiers, to wear swords or not, as he pleases.
2. It should be made optional for Government officials and soldiers to dispense with the short sword or not as they please.

Mori Kinnojo opened the debate.

In my humble opinion, the custom of wearing two swords originated in the necessity for repelling attacks from without, and for the protection of the person. When the Empire is in a state of civil disorder this is a very necessary precaution, but the world makes gradual progress in civilization and enlightenment, and the minds of men spontaneously come to a knowledge of the value of justice and uprightness. Outrage and murder cease of themselves, and such articles as swords become mere superfluous ornaments.

The fortunes of the empire are daily flourishing more and more, the integrity of our internal Government has been secured by good laws, whilst our army protects us from foreign invasion. This happy state of things is calculated to give a stimulus to the practice of propriety and virtue; outrage and murder will give place to a general and spontaneous observance of the laws of morality and justice. It follows that, henceforward, it should be optional for all, except Government officials and soldiers, to dispense with wearing swords, and even Government officials should be allowed to dispense with the short sword if they think proper.

Such a measure gives literature no undue pre-eminence over the arts of war. Of course letters and the arts of war are parts of the same substance though distinguished by different names, and the existence of a Government depends on every one devoting his attention to them both, and exerting himself to promote their progress. My sole object in proposing these two measures has been to correct abuses and to assist, in however small a degree, the firm establishment of the Imperial power. I humbly submit them for the high consideration of this wise assembly.

Précis of Debate on this Question.

Amenomori Kensaburo.—The custom of wearing two swords is the natural offspring of the national disposition to do honour to the soldier caste, and deserves our warmest admiration. If this custom be now abolished, the first step will be taken towards curbing the high spirit of the Samurai.

“A law should not be changed unless in the prospect of a hundred advantages.” What advantages are expected from abolishing the custom of wearing swords? Even if it be made optional by law to do so, what Samurai is there with a spark of the Yamata spirit in him who will throw away his sword? Such a proposal cannot be entertained in these days of reform.

One hundred and fifty members agreed generally with the last speaker.

Wakabayashi Kambei.—From the Emperor down to the common soldier every man should wear a sword. There should be no objection to soldiers armed with the rifle dispensing with the use of the short sword for convenience' sake.

Iwamoto Hanji.—The custom of wearing swords should not be abolished. Common soldiers and Samurai out of office should wear only one. Merchants and townspeople should be prohibited from wearing any.

Okubo Kingo.—I have heard that the ancient law of our country was that all weapons should be laid up in the arsenals in time of peace and that no one was allowed to carry them at his own pleasure.

There is therefore an air of plausibility about this proposal just at present, when the

whole organization of our Government is being reformed upon the ancient model. But the present differs from former ages in its tendencies; were such an order now to be issued, the spirit of the Samurai would deteriorate. These proposals should not be accepted.

Makano Chomei.—The sacred vital energy of our divine country depends upon this weapon. While the words "soldier" and "samurai" exist, its use should not be abolished.

The reform in the Government has removed the distinction between civil and military officers; consequently the Kuges should be obliged constantly to wear two swords.

Sonoda Tamatsu.—It is a good maxim for the soldier "in peaceful times never to forget war." What shall we say of a measure that asks us, even in the midst of civil disorder, to forget the existence of civil disorder? What, I ask, is the character of the times in which we live?

The object of the soldier caste wearing two swords is that they may suppress war by war, but as the chief glory of the sword consists in its resting quietly in its sheath, it follows that a natural stimulus is given to letters, and, this being the case, how is it possible to abolish this practice were even more swords worn than there are?

If civilization and enlightenment become widely diffused, what fear is there of ruffianly violence? If, on the other hand, they should not become widely diffused, there will be ruffians, though even pocket-knives should not be carried.

Keuke Chogen.—Customs should not be lightly changed. The advantages offered by the two measures under consideration are scanty, and the mischief they are calculated to cause is great; no change should be made.

Sakada Shigai.—I. It is at present imperative on all classes of Samurai to wear two swords, but to wear one is already—to use the language of the original proposal—"optional" to peasants, artisans, and merchants, who are neither compelled nor forbidden to wear one.

This law is well suited to the character of our constitution, and should not be repealed for countless ages.

The expression in the original proposal, "Every one except Government officials and soldiers" seems to include, among Samurai, only the students of letters and the military art. Now these students are really preparing themselves to become Government officials and soldiers. Why should it be optional for them to dispense with the use of swords?

II. Formerly, the short sword was never worn by the Kuges, nor on State occasions was it openly carried by members of the soldier caste. The manufacture and use of the short sword are, however, of very old date, and would be difficult to prevent. If the use of the short sword is dispensed with, some substitute, such as a pistol, will certainly be introduced. The best plan is to let matters remain as they are.

Sasai Gorobachi agreed generally with the last speaker.

Yoda Yemonjiro.—This proposal is repugnant to the feelings of this nation, and I shall not waste time in proving its absurdity, but propose the following new regulations on this subject:—

I. As soon as the law for assimilating the civil (Kuges) and military official castes has been passed, it should be made compulsory for members of the former to wear two swords.

II. Every person actually in attendance on his superior should be obliged to wear two swords.

Mori Osame.—If it be made optional to dispense with wearing swords, it will become impossible to distinguish between Samurai and merchant.

Even the lower animals have claws and tusks for their defence; why should man give up the sword provided for his protection?

I understand that our ancient custom was to wear only one sword, and to make an attendant carry the long sword, and that the present practice of wearing both the long and short sword sprung up later, during times of civil disturbance. Possibly we ought to revert to the ancient practice.

Nakazawa Kensaku.—Swords are worn as a necessary article of dress. The morals of the empire will be injured and effeminate, literary habits spring up if their use is dispensed with. If we suddenly change our old-established custom, we shall expose ourselves to the ridicule of foreigners for our fickleness. I think we ought to revert to the old custom of wearing one sword.

If there were any urgent necessity for giving up their use, that would be another question, but the original proposal does not seem to point to such a state of things. This proposal has been wantonly brought forward; it has no solid foundation in principle.

Akimoto Yoske.—A conscientious examination of our ancient records has led to form

on opinion strongly in favour of the practice of wearing two swords. The inheritors of the ancient custom of wearing swords should wear at least one. Capricious ornaments should be prohibited, the old fashion adhered to, and our swords broadly distinguished from those of foreign make. Swords are necessary for the defence of the person, and one at least ought to be worn.

Nuyake Kotaro.—The argument for abolishing the use of two swords shows great intelligence. Still, these measures for the support of the Imperial power should be brought forward somewhat later. It will be time enough to discuss the wearing of two swords when the fortunes of the empire are in a flourishing state, and violence is unknown.

These propositions were unanimously rejected by a house of 213 members.

No. 29.

Sir H. Parkes to the Earl of Clarendon.—(Received November 30.)

My Lord, Yedo, October 8, 1869.

WITH reference to my despatch of the 2nd instant, reporting that His Royal Highness the Duke of Edinburgh had visited Hiogo, Osaka, and Nagasaki, I have now the honour to forward copies of two despatches which I have since received from Mr. Consul Gower, and Mr. Consul Flowers, giving full particulars of the manner in which His Royal Highness was received at those places.

I shall acknowledge to the Japanese Government the attentions which were paid to His Royal Highness by the local Japanese officers.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure 1 in No. 29.

Consul Gower to the Sir H. Parkes.

Sir, Osaka, October 1, 1869.

UNCERTAIN as I was of the intended movements of His Royal Highness the Duke of Edinburgh, I remained at Osaka, that there might be some Consular officer to receive him at whichever port he called first; and I now have the honour to report that at about noon on the 18th ultimo, Her Majesty's ships "Galatea" and "Salamis" anchored in Kobé Harbour with the Royal visitor, accompanied by Admiral Sir Henry Keppel.

The acting Vice-Consul of course immediately went on board to offer his services, and was soon followed by the Hiogo Chigi-Mutzu Yonoske, who was exceedingly kind in his offers and insisted upon giving a royal salute to the Prince.

I may here mention that, on leaving the "Galatea," the Chigi received the number of guns due to him, but as no response was made to him from the shore, this neglect may account for the fact reported to me by Mr. Enslie that our ships did not return the royal salute subsequently fired by the Japanese.

There was a guard of honour at the Eastern Custom-house where His Royal Highness landed at 4 o'clock P.M.; and detached men at intervals of from 200 or 300 yards were placed on the road all the way to the Waterfall, where another guard of honour was stationed, and refreshments prepared for the Royal Duke. He was unable to receive a Deputation of the Hiogo community to present an address, but it was accepted through the acting Vice-Consul, and I now have the honour to forward a copy of it with the correspondence referring to it.

Very early on the 19th I proceeded with Inowé, the Acting Governor for Foreign Affairs, to meet His Royal Highness at the anchorage, called on board a few minutes after his arrival at 8 o'clock in Her Majesty's ship "Salamis," and a royal salute was fired from Temposan as the Prince approached the shore in his steam-launch. This, however, could not then get over the bar, and we had to take advantage of the Governor's small sea-boats to join the Mikado's state barge (something like a floating house towed by sixteen boats full of men) in which the Duke and all of us were taken up the river to the Foreign Settlement, where the principal guard of honour was ranged all the way from the landing-place to the Consulate.

The Prince then received the visit of the Town Governor Yoszu Zugi—a Kugé—and

after breakfast we proceeded to see the Mint, (which is to mark a new era in the history of this country) and thence to the castle, never dismounting from our horses at any of the gates, which is a sign of respect on the part of the Japanese officials worthy of notice and record.

After some Japanese refreshments on our way back to the Consulate, His Royal Highness left Osaka about 5 o'clock the same day to return with the "Salamis" to the "Galatea" at Kobé, where he had invited the Hiogo Governor, Mr. Enslie and other guests to dinner.

At half-past 8 next morning (the 20th) the Royal Duke with the Admiral left in their respective ships for Nagasaki.

Before I close this report I think it due to the local authorities at both ports, and especially to Messrs. Mutsz and Inouyé, to bring to your notice their kind attention and readiness to carry into effect anything I proposed to make the Prince's visit as agreeable as possible; and at very short notice an Interpreter was placed at his service to remove the possibility of difficulties should His Royal Highness feel inclined to land and shoot a few deer on the numerous small Islands of the inland sea.

I have, &c.

(Signed) ABEL A. J. GOWER.

Inclosure 2 in No. 29.

Mr. Browne to Acting Vice-Consul Enslie.

Sir, *Hiogo, September 19, 1869.*
I BEG leave to hand to you, for transmission to His Royal Highness the Duke of Edinburgh, an address from the British residents at this port, which we are given to understand His Royal Highness has kindly consented to receive through you—waiving the etiquette usual on such occasions.

I shall feel obliged, therefore, if you will forward the accompanying address, and convey to His Royal Highness our expressions of regret that the shortness of his stay should have deprived us of the honour of presenting it in person.

I have, &c.

(Signed) H. ST. J. BROWNE.

Inclosure 3 in No. 29.

Address of British Residents at Hiogo to His Royal Highness the Duke of Edinburgh.

To Captain His Royal Highness Alfred Ernest Albert, Duke of Edinburgh, R.N., K.G.

May it please your Royal Highness,

WE, the undersigned British residents at the port of Hiogo, beg leave to offer to your Royal Highness a hearty welcome.

We feel it not only our duty, but our privilege, to assure your Royal Highness that, although distant from our native land, we still cherish those feelings of attachment to its Constitution and Sovereign which it is the pride of our countrymen to preserve; and we feel gratified that this opportunity should have been afforded us to renew our expressions of loyalty and devotion to our Most Gracious Queen and the Royal family.

We are assured that your visit to the East will not only be productive of satisfaction to your countrymen, as affording them an opportunity of becoming personally acquainted with your Royal Highness, but that it will also assist in cementing still more closely that intimate union between these far distant communities and Great Britain, by means of which alone we can hope for success in our enterprise and a speedy return to the beloved country of our birth.

Trusting that safety and prosperity may attend your Royal Highness and the good ship you command throughout your voyage,

We beg leave to subscribe ourselves your Royal Highness' most humble servants.

(Signed by fifty-one British residents at Hiogo.)

Inclosure 4 in No. 29.

Acting Vice-Consul Ensleie to Mr. Browne.

Sir,

Hiogo, September 20, 1869.

I BEG to inform you that I have had the honour of presenting to His Royal Highness the Duke of Edinburgh the document you forwarded to me yesterday.

His Royal Highness has commanded me to express to you his regret that his short stay here prevented him from following the customary form of presentation.

In reply to the expressions of regret on the part of the British residents that circumstances unfortunately precluded them from offering another and a better welcome, I am directed to convey to them the satisfaction felt by His Royal Highness at the sentiments contained in the address.

I have, &c.

(Signed) JAMES J. ENSLIE.

Inclosure 5 in No. 29.

Consul Flowers to Sir H. Parkes.

Sir,

Nagasaki, September 27, 1869.

I HAVE the honour to report that His Royal Highness the Duke of Edinburgh arrived in this port on the morning of the 24th instant, in Her Majesty's ship "Galatea," accompanied by Admiral the Honourable Sir Henry Keppel in Her Majesty's ship "Salamis."

The following day His Royal Highness hoisted the Royal Standard, which was immediately saluted from the Japanese fort with twenty-one guns. During the day His Royal Highness gave audience to the Governor, the Consular corps, and to a deputation from the British community, who presented him with an address, a copy of which I beg to inclose, together with His Royal Highness' reply.

His Royal Highness met with a most hearty reception from all members of the community. He was cheered on his landing, and a grand illumination was in preparation to welcome him, after which he repaired to the British Consulate to partake of luncheon.

The illumination was a great success. The whole front of the Bund was lit up, and the private bungalows on the hill, which had a charming effect. Every one appeared to vie with each other in rendering homage to the Prince; there was no distinction of nationalities. The Dutch at Decima were as hearty in contributing to his welcome as the British at Ora. It was a pleasing spectacle to witness a Prince of Great Britain received so cordially.

The Japanese authorities were most anxious to show the Prince every respect; they placed a guard at his disposal, and invited him to partake of a Japanese dinner, which His Royal Highness had to decline, as his stay was so short. The natives appeared much impressed with the dignity of the Prince, and no doubt his visit will leave a favourable impression on the minds of the people.

His Royal Highness expressed himself much pleased with his reception. He quitted the harbour of Nagasaki for Che-foo yesterday morning, accompanied by Admiral Keppel, in Her Majesty's ship "Salamis."

The "Galatea" remains behind for a few days, but will join His Royal Highness at Che-foo on his return from Peking.

I have, &c.

(Signed) MARCUS FLOWERS.

Inclosure 6 in No. 29.

Address of British Residents at Nagasaki to His Royal Highness the Duke of Edinburgh.

May it please your Royal Highness,

WE, the undersigned British subjects resident at Nagasaki, rejoice on this occasion to have the privilege of testifying our loyalty to the Throne, and our appreciation of the honour now conferred upon us by the presence of your Royal Highness.

Although comparatively exiled in this remote part of the globe, the attachment to our country remains unaltered, and we cherish the hope that, amid the more brilliant recollec-

tions of foreign travel, your Royal Highness will retain the knowledge that, even in no part of Her Majesty's dominions does there exist a stronger feeling of loyalty, or a higher respect for the Queen and Royal family, than in the small community of British subjects in Nagasaki.

(Signed by fifty-one British residents.)

Nagasaki, September 24, 1869.

Inclosure 7 in No. 29.

Reply of His Royal Highness the Duke of Edinburgh to Address presented by British Residents in Nagasaki.

Gentlemen,

I THANK you sincerely for the address you have presented to me.

In the Queen's name I thank you for the expressions of loyalty to her Throne and family which it contains, and I rejoice to find that neither sojourn in a distant land, nor separation from your native home, have in any way diminished the allegiance which as good and faithful subjects you owe your Sovereign.

(Signed) ALFRED.

No. 30.

Sir H. Parkes to the Earl of Clarendon.—(Received November 30.)

My Lord,

Yedo, October 8, 1869.

WITH reference to my despatch of the 30th ultimo, respecting the reception of His Royal Highness the Duke of Edinburgh, in which I forwarded a copy of the despatch I addressed to the Japanese Government, acknowledging the courtesy and personal exertions of the high personages and Ministers therein named, I have now the honour to inclose a translation of the reply I have received to that communication.

As the Foreign Minister is so good as to speak in this letter of the assistance which he considers I rendered to the Japanese Government on the above occasion, I beg to be allowed to take this opportunity of observing that the success of the visit of His Royal Highness to Japan, and the good impression which it has created, are in a great measure attributable to His Royal Highness' ready appreciation of the political position of foreigners in this country, and to the consideration he showed for the feelings of those by whom he was received.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 30.

Sawa Jusammi to Sir H. Parkes.

(Translation.)

Sir,

October 2, 1869.

I HAVE the honour to acknowledge the receipt of your despatch of the 25th ultimo, in which you refer in the kindest terms to the arrangements made by this Government for the reception of His Royal Highness the Duke of Edinburgh. Its perusal has afforded us all no ordinary pleasure.

If we have been in any degree successful in relieving the monotony of His Royal Highness' visit, it must be attributed to your constant kind offices between us, which have enabled the arrangements made by our Government to be successfully carried out. My colleagues unite with me in returning you our thanks for your kindness, which His Majesty the Tenno has not failed to appreciate.

I shall communicate to His Majesty the contents of your letter.

I have, &c.
(Signed) SAWA JUSAMMI KIJOWARA NORIYASHI.

No. 31.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, December 2, 1869.

WITH reference to my preceding despatch of this day's date, I have to express my entire approval of your conduct, and of the arrangements made on the occasion of His Royal Highness the Duke of Edinburgh's visit to the Mikado, as reported in your despatch of the 30th of September; and I have to instruct you to convey my approval

I am, &c.
(Signed) CLARENDON.

No. 32.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, December 2, 1869.

I HAVE received your despatch of the 8th of October, and its inclosures, reporting the visit of His Royal Highness the Duke of Edinburgh to Hiogo, Osaka, and Nagasaki; and I have to instruct you to convey to the Japanese Government the thanks of Her Majesty's Government for the manner in which His Royal Highness has been received at those ports.

I am, &c.
(Signed) CLARENDON.

No. 33.

Sir H. Parkes to the Earl of Clarendon.—(Received December 13.)

My Lord,

Yeddo, October 20, 1869.

I HAVE the honour to forward a translation of a letter which Mr. Mitford has received from the Under-Secretary of the Foreign Office, expressing, by direction of the Minister for Foreign Affairs, the thanks of the Government for the services rendered them by Mr. Mitford on the occasion of the visit of His Royal Highness the Duke of Edinburgh, and requesting his acceptance of the present of a lacquer box.

I trust your Lordship will approve of my having authorized Mr. Mitford to accept this testimonial, and it affords me pleasure to bring this acknowledgment of his services to your Lordship's notice.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 33.

The Under-Secretaries of the Japanese Foreign Office to Mr. Mitford.

(Translation.)

Sir,

October 9, 1869.

WE have been instructed by the Minister for Foreign Affairs to express to you the profound obligations of the Japanese Government for the trouble which you took in assisting them in the preparations made for the reception of His Royal Highness the Duke of Edinburgh, and for your valuable co-operation during his stay at the Summer Palace. We have also been instructed to request you to accept a lacquer box which we send you in token of the acknowledgment of the Japanese Government of the services rendered them by you on the occasion in question.

We have, &c.
(Signed) MACHIDA GWAIMUTAIJO.
MUMAWATARI GWAIMUSHOJO.
MIYAMOTO GWAIMUGONSHOJO.

Sir H. Parkes to the Earl of Clarendon.—(Received December 13.)

My Lord,

Yeddo, October 22, 1869.

THE inclosed friendly notes have been exchanged between the Foreign Minister and myself relative to the attentions paid to His Royal Highness the Duke of Edinburgh by the local Japanese authorities at Hiogo, Osaka, and Nagasaki, when he visited those ports as reported in my despatch of the 2nd instant.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure 1 in No. 34.

Sir H. Parkes to Sawa Gwaimukijo.

Yedo, October 15, 1869.

HER Majesty's Consul at Osaka and Nagasaki have reported to the Undersigned that on the occasion of the visit of His Royal Highness the Duke of Edinburgh to Hiogo, Osaka, and Nagasaki, the local Japanese authorities at each of those places spared no exertion to receive His Royal Highness with every mark of friendship and respect.

The Undersigned sees in this circumstance a fresh proof of the care taken by the Emperor's Government to extend to the provinces the same cordial feeling which marked His Majesty's reception of the Prince at Yeddo. He feels, therefore, that he should express to his Excellency his appreciation of these exertions of the local authorities, and that he should request his Excellency to bring their conduct to the favourable notice of His Majesty as being in accordance with His Majesty's high object of promoting durable friendship between the two nations.

The Undersigned, &c.

(Signed) HARRY S. PARKES.

Inclosure 2 in No. 34.

Sawa Jusammi and Terashima Jushii to Sir H. Parkes.

(Translation.)

Sir,

October 21, 1869.

WE have the honour to acknowledge the receipt of your despatch of the 15th instant, in which you courteously express your acknowledgments of the exertions of the authorities at Hiogo, Osaka, and Nagasaki, to receive His Royal Highness the Duke of Edinburgh with every mark of friendship and respect on the occasion of his visit to these places.

We shall lose no time in bringing your letter to the notice of His Majesty the Tenno.

We have, &c.

(Signed)

SAWA JUSINA KIJOWARA NORIYASHI,

Minister for Foreign Affairs.

TERASHIMA JUSHII FUJIWARA MUNENORI,

Assistant Minister for Foreign Affairs.

No. 35.

Sir H. Parkes to the Earl of Clarendon.—(Received December 13.)

My Lord,

Yedo, October 28, 1869.

MR. STUDENT INTERPRETER HALL has translated a Japanese pamphlet in three parts, called the "Fuku-ko-Ron" (A Return to the Ancient Régime). In the first part the writer reviews the causes of the recent revolution and the legitimacy of the position which the Mikado has resumed. He maintains that the movement is essentially national, and that instead of being the work of a few Daimios, it had its origin among the lower classes and spread from them to the upper. The restoration of power to the Mikado was the natural consequence of a general demand for reformation consequent on the

inefficient condition into which the administration of the Shôgun had fallen. The time had arrived for the application of a wholly different system to that which had hitherto retained absolute and exclusive power in the hands of the subject ruling as the deputy of the Mikado. According to the axiom of the Shôgunate quoted by the writer, the Daimios were required to look only to the maintenance of their respective forces, "and to abstain entirely from meddling with Imperial questions." Now they, and men of ability, are to be called to the council of the nation, and the Mikado is to govern through their aid.

In the two other parts the writer touches discursively on several of the topics of the day which were under discussion at the time he wrote. Among these are the reception of foreign Ministers by the Mikado, the Suppression of Buddhism, the Constitution of the new Government, and the punishment to be awarded to the ex-Shôgun and Aidzus. He considers that the foreign policy of the Mikado's Government is calculated to secure for Japan the respect of foreign nations; but he at the same time repeats, without remark, and apparently without disapproval, another Japanese axiom, which says, "When the two words 'Jô I' (expulsion of barbarians) cease to be inscribed on our hearts and vitals, the Constitution of Great Nipon ceases to exist." Further on he notices approvingly the study of navigation and foreign tactics, and the adoption of English drill, but discounts unreasonable admiration of foreign customs.

The essay is instructive, I think, as an instance of the unsettled and unformed state of feeling which still prevails in Japan in regard to foreign questions, and also as an example of Japanese political thought, and the freedom and force with which it is expressed.

I beg to commend to your Lordship's notice the diligence which Mr. Hall has shown in preparing this translation, as well as that of the interesting debate on the Constitution which I forwarded in my despatch of the 1st instant.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 35.

Japanese Pamphlet 'entitled "Fuku Ko Ron" (A Return to the Ancient Régime).

A Discussion.

1. IT is popularly argued "that the Empire cannot be governed by the Emperor for any length of time." This language, held only by men who, unable to read the signs of the times, imagine that the spirit of every age is the same, betrays an utter absence of observation and thought. I shall briefly set forth the historical aspect of the question.

In the first place, then, passing over the age of the gods, from the commencement of the human epoch till the present day, about 2,500 years have elapsed. For about 680 years of that period the Government has been carried on by the military class. During the rest of the time, that is to say, for nearly 2,000 years, the Mikado, without the intervention of the military class, has had the entire conduct of the administration. Yet, in the face of this fact, we are told, forsooth, that the Mikado cannot govern the Empire! In support of this assertion, the events of (the era of) Genko—(A.D. 1331 to 1336) are adduced. At that period, the Government having reverted to the hands of the Mikado, was, after a very short interval (about three years), again wrested from him by Ashikaga.* But, in truth, this argument is a most unfortunate one; for on that occasion the return to the old system originated in the will of the Mikado himself, and was in no degree brought about by the opinion of his subjects. Hence, when His Majesty faltered for a moment in his resolution, the government was at once resumed by the military class. Whereas the present return to the ancient rule is, both in its origin and issue, the very reverse of the former. This time it is the people themselves who have originated the proposal of undivided allegiance to the Mikado. They read aright the lesson of the failure of Genko. Started in the first instance by the ronins, the movement gradually spread among the kerais, from the kerais it reached the karos, from the karos it was communicated to the Daimios; thus, initiated by the people, and thus energetically propagated, it grew and spread daily, until at length it resulted almost, as it were, spontaneously, in a return to the old form of government. Hence, even if the Mikado were now to change his policy, since the opinion of the people would not concur in the change, it is impossible that the government should again revert to the military class.

Look, again, at the recent condition of the country. Has it, or has it not, enjoyed

* Ashikaga. One of the Shôguns.

good government? Has it not been daily falling into confusion worse confounded? In truth, the restoration by the Shôgunate of the authority which it had all but destroyed by its misgovernment, can only be compared to the conduct of the manager of a mercantile house, who through his carelessness and incapacity has deeply involved the concern in debt, and has at last no alternative but to throw up the business to his employers, after having brought them to the verge of bankruptcy. The resolute action of the Daimios is as if the shopmen and clerks of the establishment had reported the misconduct of the manager to the head of the firm.

2. Again, it is said that, "though, ostensibly, the present movement is a return to the system of government by the Sovereign, in reality the aim of the Daimios is to get the government of the country into their own hands." This is a fundamental misunderstanding of the facts. For as it was by the people that the movement was from the first initiated and throughout promoted, so it is perfectly certain that, whatever opinion may be held as to the motives of the Daimios, they cannot control the issue of it at their own convenience.

3. It is a painful fact that there are men who openly assert "that the existing estates of the Daimios are direct grants from, or are held on the condition of allegiance to the Shôgunate." When these men talk so, they convict both the Shôgun and their own lords of treason. It is asked how? "There is not a single foot of land that is not the territory of the Sovereign; not a single individual who is not the subject of the Sovereign." Further, this realm of the Mikado was never handed over by any Sovereign to the Shôgunate. Therefore, for any one (Daimio) to consider his Sovereign's territory as his own private property, and then make a covenant of allegiance with a subject of the Sovereign (the Shôgun) is flat treason. The truth of the matter is, that after Yoritomo had been invested by the Sovereign with the office of punishing the national enemies,* his successors diverted their authority to their own private ends; then, after the time of Ashikaga, the office was held by his posterity in hereditary succession, and thus, in the course of a few generations, the fact of its being a private appropriation was lost sight of.

Now let us suppose that, through the agency of the Shôgunate, the existing estates were distributed in trust to the various Daimios, and the subjects of the Sovereign in like manner placed under their respective jurisdictions: how splendid does the work of the Shôgunate appear! Whereas, if we suppose that the estates were granted by, or are held on the terms of allegiance to, the Shôgunate, we bring as well upon our own lords as upon the Shôgunate itself, the foul stigma of treason.

Furthermore, rank and office can be conferred upon subjects by the Sovereign alone. When, therefore, we find that all the Daimios are invested with titles of rank and office, can there remain the vestige of a doubt as to their being subjects of the Sovereign?

4. Another popular argument, that "we ought not to forget the benefits we have received from the Shôgunate," it must be allowed, is unimpeachable. But, then, what about the benefits we have received from the Mikados for more than 2,000 years? Even if we had received no benefits from the Mikados during those 600 and odd years, what shall we say of the immense benefits we received from them during the 2,000 years preceding? Had there been no human being in existence before the Shôgunate, and if the ancestors of the whole people had been born under its rule, it might be all very well to talk so about "the benefits of about 600 years." But if we are to look at everything in the same narrow-minded spirit, we must in consistency admit that our benefactor is (not our lord, but) the officer who distributes to us our rations of rice.

5. If we look closely into the method of working of the new Government, we find that in all matters, even to the least important, the Daimios are first consulted, and the decision of the Mikado given afterwards. That this is the very ideal of national and impartial government requires no words of mine to demonstrate. The promoters of this administration (revolution?) were undoubtedly Satsuma, Choshu, and Tosa, in the first instance; afterwards they received the energetic assistance and support of the other Daimios. And certain it is that, if any attempt were now to be made to upset this equitable arrangement, it would be resisted by the united forces of the Empire.

6. How came it to pass that this movement was originated by the lower ranks of the people? Ever since the time of Mitsukuni, Prince of Mito (who, about 200 years ago, published a work advocating the resumption of the Government by the Mikado), the question of allegiance to the Sovereign has come to be widely discussed throughout the Empire. Moreover, it has been computed that, of late years, the crimes of the Shôgunate amount to about 200 counts. Thus, on the occasion of the Treaties with the outer barbarians, the pent-up indignation of the people was slightly manifested in the occurrences

* As Sei Tai Shôgun, *lit.*, Barbarian-exterminating Generalissimo.

at Sakurada,* at Sakashita,† and at Tozenji.‡ Next came the outbreaks in Yamato and in Tajima.§ Then followed the still more serious engagements at Ohirayama and Tsukubayama.|| After that came the affair of the three karos of Choshu;¶ consequent on which followed the war of the two provinces Boshu and Choshu. Now, it is a matter of the Daimios of all the western provinces. On these occasions the conduct of the Shōgunate was characterized by extreme severity. At first it was only a few men (of the Mito clan) it put to death; on account of the affair at Sakurada, it was a few tens; then at Ohirayama and Tsukubayama, some hundreds; after that some thousands; in Boshu, Choshu, and other places, some tens of thousands. Now, not the whole weight of its authority and power can avail to put down the movement. Even if the Daimios of the Western Provinces were on this occasion to fail in bringing about a return to the old order of things, the Eastern, Southern, and Northern Provinces would rise and accomplish it. If it is asked from what cause this state of affairs arose, I reply simply from the Shōgunate being in the dark, while the people were enlightened as to the question of allegiance. Hence, even even if the Shōgunate could make its power felt (to check the movement) two or three times, still it is certain that in two or three years a return to the ancient system would inevitably take place.

7. "The Eastern and Northern Provinces are not animated by the same spirit of courageous loyalty to the Mikado as the Western Provinces," it is said. This assertion also is made in disregard of facts. Are not Mito and Shimodzu among the Eastern Provinces? In short, at no very distant date, those same Northern and Eastern Provinces will bestir themselves and strike such a blow as will open the eyes of those who bring this charge against them.

Such, then, being the true state of the case, it is obvious, whether we view it in the light of the past, or in that of the events and tendencies of the present, that if we do not espouse the cause of allegiance to the Mikado, we shall subject ourselves to vicissitudes both from within and from without. That is to say, it rests with ourselves whether we shall voluntarily adopt this course, or have it forced upon us both by the populace of our own provinces and by the forces of the province which adhere to the Mikado.

8. Again, it is argued that "if we wish to make our provinces flourishing and our forces strong, we must abstain from meddling with Imperial questions." This is the very reverse of the truth. Men like Satsuma, Choshu, and Tosa have laboured heart and soul in behalf of the Empire, and the immense expenditure they have thereby ungrudgingly incurred is a matter of notoriety. Yet the provinces of these three Daimios are increasing in prosperity every day, their forces growing more powerful; while, on the contrary, the majority of the Daimios on the other side are in straitened circumstances. Whence arises the difference? Simply from the fact that in these three provinces lord and retainer, seeing eye to eye, have made loyalty to the Mikado the basis of their policy, and have thence been able to devote their united energies to the development of their financial and other resources. From one cause or another, it is a positive fact that unless loyalty to the Mikado be accepted as a fundamental principle, lord and retainer cannot agree together.

Be it observed, that to revere the Sovereign who is entitled to our reverence, this is the only true loyalty.

The foregoing principle was early recognized by the Princes of Mito. They communicated it to the Shōgunate, but their advice was not attended to. On the contrary, they were punished for having given it.

The Princes of Mito, however, are not the only persons who have remonstrated with the Shōgunate. Choshu, and many other Daimios of less note, have likewise done so; but in every case, so far from listening to their counsel, the Shōgunate only regarded

* Sakurada. The wide street adjoining the inner moat of the Shōgun's Castle near the Nishi-Marui. Here the Gotaio (Prince Regent) Ii Kamon no Kami was murdered by a band of about twenty Mito retainers on the 24th of March, 1860.

† Sakashita. The locality immediately adjoining Sakurada. Here Ando Tsushima no Kami, Second Minister for Foreign Affairs, was attacked and severely wounded by eight Mito men on the 14th February, 1862.

‡ Tozenji, the large temple in Takanawa, where the British Legation was first located in Yeddo. It was attacked, first on the 5th July, 1861, and a second time, exactly a year afterwards.

§ Yamato and Tajima. In these two provinces a force of about 600 ronins assembled and raised the standard of revolt against the Shōgun's Government in 1865. They were routed by the Shōgun's forces, and several Kugés who had joined in the movement took refuge with the Prince of Choshu.

|| Ohirayama and Tsukubayama. These two neighbouring mountains, on the boundary of Hitashi and Shimodzu, were the scenes of several engagements between the divided vassals of the Prince of Mito. The larger portion of the clan determined to restore the executive power of the Mikado; the remainder, headed by their Prince, adhered to the Shōgun, and, assisted by the troops of the latter, routed their fellow clansmen.

¶ The Prince of Choshu having been declared a national enemy by the Shōgun, his three principal officers (Karos) proceeded to Kioto to implore the Mikado's forgiveness. They were prevented from entering Kioto by the Shōgun's forces, and one of them was murdered.

them as enemies. It should be noted that this infatuation was the true cause of its collapse.

Doubtless the members of the Gorigio imagined that, in punishing the Princes of Mito and the others, they were acting in the interests of the House of Tokugawa; but by posterity their conduct will be viewed in a far different light. They will be numbered with Chôkô and Riôhi,* not with the faithful vassals of Tokugawa. In our own annals there are but two parallels to their misguided policy. The first is that of Atobe and Nagasaka of Khoshii. These two Karos ruined the House of Tokeda. Yet so far were they from recognizing the true character and consequences of their administration, that their ambition was to share proportionately in the splendour and influence to which they thought they were raising their master's house. Misled by the vulgar view of glory, they misled their Lord Katsuyori also, and their names have descended to after generations a by-word and a reproach. The other instance is that of Ono, of the House of Hideyoshi, at Osaka, and is known to every one.

In presuming, in the foregoing pages, to examine into and estimate the significance of the events of the time, I have gone far beyond the province of so worthless an individual as myself. My object was to set forth in a true light the changes which have hitherto occurred.

"Fuku Ko Ron," No. II.

It is frequently said that, "whether the step of summoning the Foreign Ministers to the Emperor's presence last spring, and entering into close relations with them, will or will not hereafter prove disastrous to the country, is quite uncertain." In reply I beg to suggest as my own private opinion, that, in entering into relations with the Western countries, the Emperor's idea was that, as he had now himself the supreme control of the army, and the right of levying forces from the Damios, he would raise the military and naval forces to an effective footing; and as the Constitution had now been firmly established on its ancient basis, he would, in his domestic policy, give peace and happiness to his subjects, and in his foreign policy take his place amongst the first-class Powers, and make known his authority and might to lands beyond the seas. For promoting the prosperity of the millions and tens of millions of the people, can any plan be compared to this? In such a policy, there is not a single point which is liable to be attended with injurious consequences. Beyond this, if the Treaty powers should be guilty of any unprincipled conduct, that the Emperor will send an army to chastise them is a matter of course. A certain man has said, "When the two words "Jo-i" (expulsion of barbarians) cease to be inscribed on our hearts and vitals, the constitution of great Nipon ceases to exist." Again it is said: "At the time when the Emperor's Government has entered on a new career, when the ability and talent of the country is employed in the public service, when all measures are submitted to fair and open discussion, it was to be expected that the rest would follow as naturally as the branches and leaves come forth when the trunk is planted, or as all the meshes open when the frame-rope of a net is stretched: yet in the distant provinces and out-of-the-way districts it would seem as if the sentiments of the populace had not yet quite risen to the same elevation as those of the upper class."

I reply: "When a beneficent central Government has been established, is there any such distinction in the empire as that of distant and near? The sixty odd provinces are just like an object grasped in the hand. The opinions of the upper class pass to the people, and the feelings of the people rise in sympathy with their superiors."

The modern petition-boxes, being of the same character as the ancient complaint-boards, are a device for eliciting the sentiments of the lower orders of the people.

Again it is said: "Among the many crimes of the Shôgun, his treason in seizing the Miyasama as a hostage; in designating Yedo the Eastern Capital; and more than all, in procuring in marriage the Princess Jôkan: is notorious to every household in the empire. Under these circumstances, the infliction of any punishment short of death would now be a questionable proceeding."

I say, in reply: "That since the Government was entrusted to the family of Tokugawa, nearly two centuries and a half ago, the Imperial House has enjoyed tranquil security, and the people have celebrated a long peace, during which no sound of warfare grated on their ears; and although it may be said that this is to be ascribed to the wisdom of the Emperors in remaining inactive, the Tokugawa family, by reason of its kind assistance,

* Chôkô and Riôhi were successively Ministers of the Chinese Emperor Shikwotei (B.C. 221—206). Their administration was characterized by cruel oppression of the people, and the execution of such of the leading statesmen as became obnoxious to them.

is not without a share in the merit. Moreover, in admiring remembrance of the loyal services of its ancient founder, Yoshi Sada Sa chiu-sho, and his companions, the Emperor has refrained from ordering an inquisition into its past offences. These are the reasons for the clement administration of the law."

Again it is said: "Upon the first genuine token of submission, the Prince of Aidzu will be restored to the Imperial favour and his lands and revenues given back to him undiminished."

I reply: "That is mere street rumour, utterly without foundation. As soon as Aidzu was declared a national enemy, imperial troops and the forces of several clans were sent eastward. Thereupon, he enlisted in several places, runaway vassals of the Shôgun and opposed the Imperial standard in several engagements. If after having gone so far, the imperial clemency were, on his submission, to restore him his lands and revenues intact, it would be like giving wings to a tiger and letting him loose again, a perpetual source of trouble hereafter. Consequently, the rumour is altogether unwarranted. Seeing that our main design is now to effect the solidarity of the empire, the proper plan is to cut into the roots of such robber gangs and miscreant hordes, and leave the leaves to wither of themselves."

Again it is said: "Aidzu has circulated manifestos along the various roads, and in many instances Daimios have complied with them."

I reply: "There are two ways of compliance. A man may comply through fear of violence, or he may heartily and truly comply from a sense of obligation and duty. In the present instance, are those Daimios under any debt of gratitude to Aidzu? Wherefore I consider it unlikely that any of them will join him. If, however, any do join him, they will be the petty Daimios in his own immediate vicinity, who, fearing his power, appear for the present to act in concert with him, but are in their hearts loyal to the Mikado. Hence if the Emperor raises a large army and, proclaiming Aidzu's crimes, proceeds to chastise him, the latter will be as effectually crushed in a single encounter as an egg would be by a mountain falling on it."

Again it is said: "The troops of K'wantô, Oshiu and Dewa, if compared with those of the Western Provinces, have always been more valiant and successful."

I reply: "The statement cannot for a moment be entertained. When it comes to actual fighting, it will always be found that if the troops are devoted to their Daimio and have confidence in their general, one soldier is a match for 10,000; while in so far as they are not animated by those feelings they are proportionately worthless."

We frequently hear it said, "That Western countries are not stupid like the ancient Moko; on the contrary their ability distances all comparison with the Japanese. To recognize this you have to only look at their splendid skill in the manufacture of great guns and men-of-war, and the ingenuity and perfection of their machinery."

I reply: "That the national characteristic of the Western barbarians is, progress in the pursuit of gain; that of the Japanese, a regard for right before everything else, a distinction known to every child in the nursery. As every country excels in some arts and is deficient in others, it is inevitable that there should be mutual advantages and disadvantages. They have the art of making large guns and men-of-war, we, the art of making first-rate swords and spears. Why should we suppose that they are in any degree superior to us?"

Again it is said: "There are people who talk of putting down Buddhism; but since that system was introduced in the 13th year of the Emperor Kim-mei, its doctrines have been handed down from generation to generation uninterruptedly for about 1,300 years, and it will not be easy to put it down in a day."

I reply: "From antiquity to the present day there have been from time to time men who advocated the suppression of Buddhism; but as they merely talked of it and never attempted to put the measure into execution, it eventually fell through. Now for putting down error there is nothing, on the whole, like disseminating the truth. By 'the truth' I mean the great system of the sages (Confucianism). Hence the Emperor will presently found a university and appoint professors to give instructions in the courses of humanity, morality, etiquette, wisdom, obedience, humility, fidelity, and sincerity. When this is done, the people all throughout the country will abandon error, and embrace the truth, and Buddhism will die out of itself. Unless the true system be widely taught and propagated, not only Buddhism, but also the two great evil sects of Catholicism and Protestantism will become difficult to suppress."

Again it is said: "If paper money be issued, it will embarrass the circulation of the gold, silver, and copper coinage of the country."

I say, "No. In this matter the Imperial Government have acted with profound forethought. Do you ask how? They have strictly limited the period of its circulation from

this Dragon year to next Dragon year (*i.e.*, to 13 years) and they probably consider it a desirable achievement to reform, in the interval, the entire gold, silver, and copper currency of the empire."

It is said: "From the earliest times it has been found that, when a generation has once been thrown into confusion, it is by no means easy for society to readjust itself; and in the present instance fifty or sixty, perhaps 'seventy or eighty years must elapse before the order can be again restored.'"

I reply: "This argument is not worthy of much attention. I have heard somewhere that even when order prevails in a country, if its military affairs are neglected, it is still unsettled; that even when a country is disturbed, if its self-reliance be kept up, it is a settled country after all. I have also heard that when a disturbed age had to all appearances settled down, it has again been thrown into commotion; that when a tranquil age had to all appearances been put out of joint, it has again subsided into tranquillity. So that blear-eyed onlookers are not all-competent to pronounce off-hand on the tranquillity or disturbance of the times, or on the stability or weakness of institutions. Seeing, however, that the country has been thrown into its present disturbed state after the enjoyment of an interval of two and a-half centuries of profound peace, it can hardly be expected that genuine tranquillity will be speedily or easily restored. Still the foundation has been laid by the extension of education and the reorganization of the Army, and it is to be hoped that in no long time we shall see peace and order permanently established.

The condition and tendency of the times is not a subject for the consideration of such as myself; but in order to complete the discussion of some topics broached in my first volume. I have ventured to publish a few of my worthless ideas.

"Fuku Ko Ron," No. III.

It is frequently said:—"I am inclined to believe that, after all, the guilt of Aidzu is not so very great, and for this reason. Years ago he went to Kioto, and for a long time was guardian of the Palace. His thorough fidelity and his services to the Emperor during this period were in themselves no small merits. Yet on account of the single engagement at Fushimi this spring, without any careful scrutiny into his real sentiments, a large force has been raised and sent to crush him." The Daimios who have furnished these troops will, of course, be put to great expense, and so also will the clans along the line of march. To meet this outlay, the 'Daimios will exact contributions from the people, and thus the Imperial army will become detested. Is it not so?'"

I reply: "As a rule, in the conduct of affairs it is all but impossible to shape a course that answers perfectly in every particular. Hence, if a measure possesses seven or eight points of advantage, with only two or three drawbacks, it ought to be adopted; but if the proportion be two or three advantages to seven or eight drawbacks, it ought not to be adopted. Now the course taken by the Emperor in raising an army to crush Aidzu is not merely one that ought, on the whole, to be adopted—it is an admirable policy, perfect in every particular. Is it asked how so? If Aidzu were let alone, and his disloyalty passed over with impunity, the Daimios, having no adequate impression of the illustrious power of the Emperor, would be misled into obeying Aidzu's beck and nod; and, in fine, the whole country within the limit of the four seas might be thrown into a ferment of commotion. Consequently, in enforcing the supreme principle of allegiance, and punishing the rebellion of Aidzu, the Emperor's design is to save his subjects from severe sufferings and secure them a lasting and prosperous peace. Although, therefore, this measure may seem for the present to inflict hardship on the people, it is, in reality, an effectual preventive of incalculable miseries. Suppose, for instance, a man has got the cancer. If, before the corruption has yet reached his vitals, he takes it in hand at once and freely uses the wholesome knife, afterwards applying soothing ointment,—in the short space of twenty or thirty days suppuration takes place; the diseased spot heals completely; and, in the end, the man becomes stouter and healthier than he was before. If, however, he shirks the knife, and puts off from day to day, the cancer eats into his vitals, dangerous symptoms break out and he dies. In like manner, unless we freely use healing sword and spear, and excise the inveterate plague spot Aidzu, it is hard to say whether the entire body, Great Nipon, may not be prostrated. It is on this account that the speedy and utter destruction of Aidzu is a consummation to be desired. I lately invited separately an 'argument for the smiting of Aidzu'; and a minute treatment of the subject is, consequently unnecessary here."

Again, it is said, "Since the monarchical Government has been restored to its ancient form, petty vassals of small income—mere nobodies, in fact—have been raised to office,

have been admitted into the Ministry (Daijōkan) and exercise the larger share of the Government authority. Is not this, as compared even with the audacious traditional policy of the Shōguns in reducing the Lord of Ten Thousand Chariots (*i.e.*, the Emperor) to the position of a superfluous ornament, by keeping him almost a prisoner, an advanced stride in the path of extreme and wanton folly?"

To this I reply as follows: "That men of pre-eminent merit should occupy the position of superiors, and issue rules to the inferior people, and that the inferior people should yield obedience to these rules, is at once in strict accordance with natural principles, and productive of order; on the other hand, that men of the highest abilities and versed in the conduct of affairs should not occupy the position of superiors, while men who are utterly unequal to its duties do, is at once in contravention of natural principles, and productive of confusion. Now, the small band of men at present in office, who have been chosen from Satsuma, Chōshū, and elsewhere, are the ablest men of this age, who, by reason of the assistance they can render to the Emperor, and their intimate knowledge of the affairs of the people, are really of the calibre required for official posts in the Government of the country. They are of an altogether different class from the venal retainers and incompetent officials of the old Shōgunate, who, while in the receipt of hereditary salaries, by their inordinate greed of bribes and their disregard of the distinction of right and wrong—of dishonesty and integrity—relaxed the bands and destroyed the efficiency of Government. Moreover, if for the time to come, the distinctions of high and low rank—of honourable and humble family—be gradually done away with in the selection of men for office, the Daijōkan will never, down to the remotest posterity, be at a loss for eminent and able men; and if these men labour with united hearts and energies in the service of the Sovereign, the empire will of a surety enjoy a tranquillity surpassing the serene repose of Tai Mountain. Although but a few months have elapsed since the general Government reverted to the hands of the Emperor, the rules regarding dresses of ceremony, and the postal arrangements of the country, even to the most minute details, have already been satisfactorily settled. At this rate we are likely, in the course of a very few years, to reach such an age of enlightened order as has never hitherto been known, and realize in truth that state of things when doors need not be closed at night, and when, if an article of property were lost on the highway, no one would pick it up to keep it."

Again, it is said: "The leading object of the Imperial policy is to effect a change from the feudal system (Ho-ken) to pure monarchy (Gun-ken), and accordingly the Shōgun, with his income of 8,000,000 kokus, has already been overthrown, and at present cities and towns (Fu and Ken) are being constituted in various places."

I reply: "In so dealing with the Shōgun, it was by no means a case of condemning innocence or inflicting undeserved punishment. For, as has been explained in a previous volume, the crimes of the Shōgunate were not a few. Indeed, its normal characteristics may be briefly described thus:—The Shōgun was a powerful hereditary feudal lord, who exhausted on his mansions the resources of luxury and splendour, who lived in unrestrained indulgence of voluptuous music and the pleasures of the palate, who floated along from day to day in careless unconcern, regardless of the misery of the people. The followers of his standard were all without exception unprincipled vassals or corrupt officials, who knew not how to make good the shortcomings of their lord. Hence it is not the overthrow of the Shōgun, but the rout of his whole bureau of venal functionaries that has been effected. This was a measure absolutely indispensable to the fulfilment of the [Emperor's] desire to relieve the sufferings of the people. But beyond this to abolish the class of barons (Daimios) great and small, and establish a monarchical administrative system throughout, is certainly not what is contemplated. In case the Government should after a while allow the national strength to decline, it will lose the confidence of the Barons and the calamities of faction and discord will inevitably ensue. By far the best plan is to maintain both the feudal and the monarchical elements, and even the Imperial Council will surely not come to a different conclusion. The further step of abolishing the [privileges of the] high and honourable families [*i.e.*, among the retainers] is also seriously talked of, but this is an exaggerated statement of the matter. The high families are not to be rashly and unreasonably set aside. Both men of high family and also able men of low family will be appointed to office. So that in fact it is very hard for the rotten eyes of reactionary prejudice to pry out at present the deep designs of the Imperial Council."

Again, it is said: "It is a truly fortunate thing for the country that the old native tactics and drill which have been in use since antiquity, are to be abandoned, and those of Europe acquired instead."

"Granted. Still it is a maxim applicable to every art, that without long practice

thorough proficiency cannot be acquired; with long practice a wonderful, not to say incalculable degree of skill can be attained. For example, a rustic from a distant province comes to the capital and determines all at once to learn the dialect spoken there. For a while he finds it a very difficult task, but after a long residence of months and years, he gradually and without effort drops his provincialisms and speaks the idiom of the capital. It is the same in the matter of warfare. Unless the troops are so thoroughly drilled as to fight with confidence and steadiness, even though their numbers be reckoned by hundreds of thousands, they are not to be depended on. At present our country is learning the principles of European navigation, naval tactics, and gunnery, as a matter of course; and as fast as a knowledge of its rules can be acquired, the European system of military drill is coming into fashion every day. Indeed, only a short time ago the Dutch drill was discarded as antiquated and far inferior to the free and simple English system, and the style changed accordingly. The fact is that, in the present state of the public mind, you have only to say that a thing is European, and whatever it may be that is said or done, then everybody is lost in admiration. It requires men of judgment and experience to know what to select and what to reject. Accordingly, it is especially incumbent on our military instructors, in proportion as they introduce changes, to guard against the vice of superficiality."

On the night of the 1st of the 8th month, at an inn in Kioto, Shôshu, a retired Samurai, indited this rambling work. At the time, the autumn rains were not yet over and the light of his lamp was burning dim, and his spirits—for he was a solitary traveller—were disturbed. He fears that in its pages are many errors and imperfections, which he entreats the indulgent reader to overlook.

No. 36.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, December 16, 1869.

I HAVE received your despatch of the 20th of October, inclosing a translation of a letter which Mr. Mitford has received from the Japanese Government, conveying to him their thanks for the services he rendered on the occasion of the visit of His Royal Highness the Duke of Edinburgh, and requesting his acceptance of the present of a lacquer box.

In reply, I have to acquaint you that I am glad to receive this acknowledgment of Mr. Mitford's services on the occasion referred to; and, under the special circumstances of the case, I hereby sanction his acceptance of the box presented to him by the Japanese Government.

I am, &c.

(Signed) CLARENDON.

No. 37.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, December 16, 1869.

I HAVE received your despatch of the 28th of October, inclosing a translation, by Mr. Student Interpreter Hall, of a Japanese pamphlet in three parts, called "Fuku ko Ron," or, "A Return to the Ancient Régime;" and I have to instruct you to convey to Mr. Hall my approval of the diligence he has shown in preparing this translation, as well as that of the debate in the Constitution which was forwarded in your despatch of the 1st of October.

I am, &c.

(Signed) CLARENDON.

No. 38.

Sir H. Parkes to the Earl of Clarendon.—(Received January 24, 1870.)

My Lord,

Yeddo, December 4, 1869.

WHEN the Mikado returned to Yedo in April last it was thought unadvisable that he should be accompanied by the Empress. His own departure from Kioto was viewed

with much disfavour by the population of that capital, and was even opposed by those members of his Court and by that section of his adherents who are hostile to all innovations and to foreign intercourse. The Empress accordingly remained there in deference to this feeling.

After a delay of six months, however, the journey was considered practicable, and the Empress left Kioto on the 8th ultimo, and arrived safely at Yedo on the 27th. Some anxiety was evinced by the Government lest the people in Her Majesty's train should give trouble to foreigners either on the road or at Yedo, as on the occasion of His Majesty's visit in May last, and they accordingly republished their previous notices requiring their people to treat foreigners with respect.

By request of the Government, foreigners were also desired by their respective authorities to avoid the tokaido on the two days previous to Her Majesty's arrival at Yeddo.

I have now the satisfaction of reporting that, beyond a little excitement at Kioto on the occasion of the Empress's departure, I have heard of no untoward occurrence in connection with this event.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 38.

Sir H. Parkes to Sawa Jusammi.

Yeddo, November 28, 1869.

THE Undersigned has had the honour to receive His Excellency's two notes of the 22nd instant, informing him that Her Majesty the Empress left Kioto on the 8th instant, and would arrive in Yedo on the 27th instant.

The Undersigned took measures to prevent British subjects from inconveniencing Her Majesty by frequenting the Tokaido on the day named in his Excellency's letter; and on passing Kanagawa, royal honours were paid to Her Majesty by the British ships of war stationed at Yokohama.

The Undersigned has since heard that the Empress entered Yedo safely yesterday. He begs that his Excellency will present to His Majesty the Tenno his respectful congratulations on this auspicious event; and he trusts that such measures will be taken by His Majesty's Government, in connection therewith, as shall secure its being productive of increased stability to the Governments, and of closer unity between the several parts of the empire.

The Undersigned, &c. (Signed) HARRY S. PARKES.

No. 39.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, January 26, 1870.

IN reply to your despatch of the 4th ultimo, I have to acquaint you that Her Majesty's Government approve the note you addressed to the Japanese Government on the occasion of the arrival at Yedo of Her Majesty the Empress of Japan.

I am, &c.
(Signed) CLARENDON.

No. 40.

Sir H. Parkes to the Earl of Clarendon — (Received March 21.)

My Lord,

Yokohama, January 29, 1870.

I HAVE the honour to forward six copies of a translation by Mr. Student Interpreter Hall, of a political pamphlet entitled "Han Ron," or, "A Discussion on the Clans." It adds another instance to those already furnished by the diligence of Mr. Hall, of the growth among the Japanese of liberal ideas and of the freedom with which these are expressed.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 40.

*Japanese Pamphlet entitled "Han Ron." ("The Clans." A Discussion.)*PART I.—*Treating of the Revolution generally.*

DRAWING their inspiration from (*lit.*, drawing from the stream of) the Government of the Emperor, the clans in the east, as well as in the west, have for some time past been vying with each other in reforming the constitution of their respective Governments. But, as a rule, in their general mode of procedure, either their adoption of what is novel is carried too far, to the dismay of those who have no heart in the cause, or their abandonment of what is antiquated stops short of thoroughness, to the disappointment of those whose hopes were centered in it. Unable, towards their superiors, to follow up the leading policy of the Imperial Government, they fail, towards their inferiors, to command the approval of the people, insomuch that both the Ministers who counsel and the officials who execute their measures are chafing in secret vexation of soul. One party, incapable of discerning the deep signification of the "Renovation," and drifting aimlessly with the fashion of the hour, glance hurriedly into Japanese translations of European works, or question those who have crossed the seas as to social institutions of the West, hoping to manage everything satisfactorily, by simply introducing into this country the customs of those lands. The other party, misapprehending the inner meaning of the "return to antiquity,"* and hopelessly biassed by the crotchets of literary doctrinaires, are guided exclusively by historical writings, and appeal to the past for the regulation of the present, trusting to rule the multitude by simply exchanging modern manners for those of bygone times. Such is, alas, only too truly the position of the ordinary Chiefs. Does it not seem as if their wits had put out to sea, and, having lost their compass, knew not what tack to go upon? Thus it is that inexperienced lords, who know not that the prosperity and decline of institutions, the establishment and dissolution of systems are regulated antecedently by natural laws, and incapable vassals, who never suspect the success or failure of a policy, the gain or injury of a measure, depends on the spirit of the age, have together unwittingly entered, as it were, on the perusal of the opening chapter of a work, the drift of which, in the sequel, methinks they will find it hard to follow.

As a general rule, in founding this institution, or carrying out that policy, if the object be incompatible with the laws of nature, or the execution unsuited to the temper of the times, failure is inevitable. The laws of nature may be complied with, or they may be transgressed; the spirit of the age may be consulted, or it may be disregarded. But few, indeed, are they who, from the consideration of the laws of nature, can form even an approximate estimate as to the stability or weakness of an institution, though a considerable number can, after seeing it flourish or decay, perceive its conformity or opposition to those laws. And similarly few are they who, appreciating the spirit of the age, can foresee that a movement will succeed or fail, though many, after witnessing its success or failure, recognize its accordance or discrepancy with that spirit. As possessing in a pre-eminent degree this rare statesmanlike sagacity, two men have achieved for themselves a name which the subsequent events vindicated. One, in ancient times, was Masashige, who, perceiving that in his generation the government of the country by the Sovereign was no longer possible, died by his own hand in Minatogawa; soon after, the executive power fell into the hands of the military Houses. The other, in modern times, is the Shôgun, who, foreseeing the impossibility of his longer retaining the reins of power, resigned of his own accord; immediately after, the authority of the Sovereign, with all its prerogatives restored, was established in one symmetrically-organized constitution. Now, if the good government of the Empire be secured thereby, it is just and right that the control should be vested even in the people; if the affairs of the nation be thrown into confusion it is unjust and wrong, though it be done by the highest dignity (*i.e.*, the Mikado). The principle is that the exercise of the national authority is subject to the approval or otherwise of public opinion. And the rule which applies to the government of the empire is surely not less applicable to the government of the feudal territories.

The great majority of the feudal lords are generally persons who have been born and nurtured in the seclusion of the women's apartments; who have been cherished as tenderly as if they were delicate ornaments of jewels or pearls; who, even when they have grown up to man's estate, still exhibit all the traits of childhood, having never mastered the details of business, they feel no sense of responsibility in approaching affairs of State. Leading a life of leisure they succeed to the inheritance of their ancestors. With their

* Referring to the Pamphlet of which translation has already been given:—"The Return to the Ancient Régime."

bodies clad in gorgeous apparel, they feel not the winter's blast, and know not that men pine of starvation and cold. With the beauty of their wives and concubines arrayed before them, and the sounds of music and revelry ringing in their ears, they leave no desire of the heart ungratified. Even now that the symptoms of their decline have unmistakeably set in they are intent only on the pleasures that yet remain to be exhausted. As wisely might they pray to the gods for perpetual youth, or seek from the fairies the boon of immortality. And in the same category are those who, though designated vassals, are born of good family on the great estates. Not only are the lords, but vassals also such as are here described. Hence the offices are constantly filled by unqualified men, and corruption is so rife as to defy all attempts to suppress it. How, pray, while things remain in this condition, can any scheme for promoting the prosperity or power of the nation be concerted or carried out? It is really worth noticing how many of the Daimios who have now been summoned to the conduct of affairs are discharging the duties of their appointments in a manner at all satisfactory. In truth, the case is deplorable in the extreme. Ah! now that they have fallen upon an enlightened age and have been as subjects apprised of the Sovereign's wishes, how can our feudal lords continue on in the indulgence of sloth and luxury?

Heaven, in dispensing its gifts to man, endows some with more, others with less, ability; some with depth, others with shallowness of intellect. Doubtless in doing so, it has a purpose to fulfil. However, the number of those who are gifted with great abilities is small; a shallow understanding is the portion of the vast majority of men. Hence the lower orders of the people are for the most part stupid, and have an instinctive dread of any trifling strait that disturbs their comfort for the moment. They are easily disheartened and in their despondency cannot discern a prospective advantage however great. Thus, it is unpleasant to take medicine, and to have an ulcer cut gives pain. But if, because of that unpleasantness or pain a man refuses to swallow the medicine or to have the ulcer lanced, his ailments cannot be cured and he will die. And it is the same in matters of government. It is, accordingly, when some temporary unpleasantness has to be endured, that a specially favourable opportunity is presented for the display of merit. Hence, it is the part of such retainers who have a reputation for wisdom or ability to take advantage of the tendency of the time, and, disregarding the trifling and temporary loss for the sake of securing the great and lasting gain, to reform the pernicious customs of the past and sweep away its effete and rotten institutions. It seems, however, to be hardly in ordinary human nature to persevere long in the endurance of even a minor evil for the sake of working out a great if distant good. Thus, from time to time, there have emerged, from amongst the retainers, agitators who loudly proclaimed their dissatisfaction with the existing order of things, and fearlessly criticized the conduct of the administration. Great things were expected of them, but as soon as ever they got admitted into the official ranks, they completely changed their course, and now-a-days dare not open their mouths again. Yet, glaring as is the consistency between these professions and their conduct, their sole uneasiness is lest they should lose the jewel they hold in their grasp, (*i.e.*, their office). Are they perchance, in their secret hearts, still accessible to some touch of shame? When retainers who have been chosen for their abilities or promoted for their wisdom are summoned to the council table (*lit.*, council mat) of the Government of the clan, what is required is that they should never for a moment lose sight of the master aim (reform) but, unshaken by the clamour of the ignorant, or the obloquy of the base, carry out unswervingly to the end the line of action they have determined on. The establishment of the Sovereign Power, while nominally only a natural evolution, is virtually an adoption of the system which obtains amongst other nations; and now is the time to take the further step of effecting, on the ground of unavoidable necessity, a thorough purgation of the abuses which pervade the feudal clans. The adage, "If you miss the season once, it is hard to get two springs in a year," applies even to the great empire. How much more, then, to the petty principalities?

Recently, in a certain clan, the reform of the social economy was set on foot in the following way:—

In the first place the Daimios issued a mandate in that sense; then, from amongst the retainers a few names of the highest promise were selected, and to them was entrusted the work of carrying out the change. Thereupon, they met in a body in the Government Hall and set vigorously to work. The great end which they proposed to themselves was the equalization of the allowances of all the retainers without distinction of high or low. They proceeded to clear away almost all the subsidiary abuses, and soon the whole structure of hereditary ranks and offices seemed tottering to its fall. The victory of reform was half declared already. But at this stage the principle, that it is hard from human nature to cease to be human nature, came into play, and they slightly modified their

programme. The consequence of this false step at starting was, that matters threatened to return in the end to the old condition. Whereupon, of this chosen band who had been called to be the founders of reform, some, who in secret observed the indications, concluded that the successful completion of their enterprise was utterly beyond the pale of hope, and resigned. Others procured a different office, and, with the change of duties, never afterwards bestowed a thought on their first employment. The rest, through fear of the paltry trouble that menaced them at the moment, unblushingly explained away the opinions which they had at first professed. The end of it was that things fell into the old groove again; and at the present moment the difference in the number and designations of the offices constitutes the sole remaining distinction between the former and the existing economy. Is this what comes of not complying with the laws of nature, of not co-operating with the movement of the age? This is the question we are forced to ask, if we would learn the causes of the failure.

About the end of last spring a Memorial was presented by a certain retainer of my acquaintance to his lord. As the document is of considerable length, and contains more than one passage with which I am very far from agreeing, it would be superfluous to give it at full length here. One paragraph, however, which will serve as as the basis of discussion in another volume is so closely pertinent that I append it below.

[Extract from the memorial of a certain retainer to his lord.]

"Your worthless retainer ——— ventures with fear and profound respect to offer a few foolish but well-meant words of counsel to your Lordship, with the petition that you may vouchsafe to give them your intelligent consideration.

*

*

*

*

*

"To-day, as a noble and a bulwark of the land, able, with no exertion on your part, to live in ease and affluence, your position, my lord, is doubtless a happy one. But to-morrow,—you know not whether it will bring joy or sorrow. If hereafter, you were to encounter a revolution, I greatly fear your ancestral power and all that belongs thereto would come to a speedy and disastrous end. If you do not take heed at once and make some wise provision for the future a more unhappy destiny than you imagine is in store for your posterity."

PART II.—*Unfolding the Basis on which Reforms should be Initiated.*

On a cursory view of the organization and customs of the various clans, there is apparent—notwithstanding a general likeness in the main—an absence of uniformity in the arrangement of the official departments and in the relative numbers of the official body. There is, however, one usage which, without exception, is observed in all the clans; to wit, in all there obtains a distinction of social position into respectable and mean, a division of office into important and petty, a distribution of income into large and small.

In laying the foundations of reform in the administration of the clans, the measures which first of all require to be attended to are the three following:—

1. The head of the clan should in the first instance issue an instruction to the clansmen to the effect that the old customs are to be abolished and an entirely new system to be inaugurated; and, in order to preclude diversity of opinion or change of purpose regarding this step, he should require the whole clan to enter into a special covenant, and to ratify it by going through the ceremony of an oath.

In round numbers, the retainers of feudatories amount, in the case of the larger clans, to some tens of thousands of families, and even in the smaller clans they never come so low as a hundred households. The proverb says, "If ten men come together, they are actuated by ten different views." How much greater, then, the diversity of views when, as in the smaller clans, the number exceeds a hundred, or as in the larger, reaches some tens of thousands? Now, in the next place, the connection of the retainers with their respective chiefs is not founded on any original tie of kinship; they are simply bound to the chief by a definite compact, in virtue of which they cannot refuse to receive his orders nor venture to act contrary to his commands. And, on the other hand, the connection of the Chief with his retainers is of a corresponding kind. Consequently, in the event of his unfairly introducing any changes, great or small, in his engagement, he cannot thereafter maintain control over his vassals nor enforce his authority as lord. How much less could he maintain his authority in the case in question, where the changes to be made are radical, and where, apart altogether from either the Emperor or the Shôgun, arrangements are to be so altered as to set the present at variance with the past? It is for this reason that it becomes indispensable to conclude a fresh compact, and, in order to remove the possibility of any intention of non-fulfilment, to duly perform the right of confirming it by plighted oath.

2. The chief of the clan, having first bound the clansmen by a worn covenant in the manner aforesaid, should in the next place do away with the observance of distinctions of family, put an end to the custom of hereditary incomes, dismiss at one stroke the entire body of officers, recalling all degrees of precedence: thus blending the whole clan together and reducing them to a common level, so as to constitute an entirely homogeneous community, like as in an ordinary public assemblage. This effected, the next step should be to fix beforehand on a certain definite number of vacancies in proportion to the size of the clan and the number of vassals, and to let each one put forward the individual of his choice; that is to say, by means of the vulgar institution of the ballot, there should be an election made of the distinguished men who command the majority of supporters.

There is a proverb which says, "If the mother find favour (in the father's eyes) the child is fondled; if the mother be disliked, the child is spurned." Hence it is that those who are born and bred of high family, even when they are stupid and idle, lead for the most part pleasant lives; that though at times there are within the straw-thatched cottage (minds of) the beauty of the peach-blossom and the plum-blossom, they rarely attain to a place amongst the sights of the garden. In high and honourable houses men are not necessarily born clever and virtuous; nevertheless, they are always placed in high positions, and enjoy hereditarily abundant incomes. How extremely fortunate! In mean and lowly families men are not necessarily born devoid of intellect and ability; nevertheless, they themselves have always to toil like cattle, and their means are so impoverished that their children cry for hunger. How extremely the reverse of fortunate! "A mountain is not valued on account of its height; it is because it bears timber that it is prized." A man should be honoured or contemned according as he is essentially intelligent or ignorant; it is on the possession or the want of ability that the distinction of honourable and mean should be based. In most instances, again, those who enjoy the high dignities receive likewise an affluent income; those who are employed in the petty offices a corresponding scanty dole. Now, on the ground of what merit, in virtue of what principle, does the idle, careless man become, without an effort, the possessor of exalted rank? By reason of what fault, in virtue of what principle does the energetic, attentive man remain to the end of his days a menial? As the punishment of the father ought not to be extended to his children, so neither ought the rewards of the father to be entailed on his children. It is for this reason that distinctions of family and hereditary incomes must be done away with.

If a man of ordinary station, rising superior to the crowd, aspires to propagate an opinion or carry into effect a measure, he is certain to bring upon himself the scowl of the crowd; however reasonable his opinion may be, it is not listened to, however advantageous his measure, it meets with no support. Such as ever been the attitude of the common herd, the propensity inseparable from the narrow-minded. And how much more strongly is it manifested when some individual from the bottom of the clan-roll suddenly shoots ahead of the high and honourable, and promulgates an opinion or assumes the conduct of a measure. The difficulty of such a position is known full well. If he once blunders in his statements, or if his measure miscarries, it is not merely that he fails in his object, his body is fastened to Shô-ô's chariots (to be dismembered), and he consigns his parents, his offspring, and his brothers to misery. It is for this reason that the offices must be simultaneously abolished and degrees of rank recalled.

3. When this operation of public election has been once gone through, the eligible candidates will be thereby discriminated from those who are ineligible. This done, the chief of the clan should then take this batch, who have been drafted in the preliminary poll, and, having once more prescribed the number required, should instruct them to return, by a second and decisive election, their ablest men; the residue of gentlemen who fail of being elected should be told to wait further orders.

Generally speaking, the practice of selecting gifted men by popular suffrage prevails widely in all the enlightened countries of the West, but there, being an institution of long standing, it is familiar even to children. Yet our own clans have not yet heard of the existence of this custom. Hence, although it is an eminently ingenious device, there are always sure to be dolts within a clan, although it is an essentially enlightened custom, a clan is never altogether wanting in clod-hoppers, and for an intelligent man to explain the device to blockheads, or for an enlightened Chief to work out the custom with senseless retainers is just about as much use as asking a blind man whether he preferred a subdued tint or a bright one, or consulting a deaf man as to whether a note should be sharp or flat. Thus it is that the common mass generally never thoroughly comprehend the matter; and when at times they do receive orders to hold an election, either they vote according to their own personal likings or grudges, without either looking for qualifications or objecting to the want of them; or they choose from among their immediate acquaintances, according to the strength of their intimacy, neither singling out the men of talent, nor sifting out the

incapables ; or, again, they support an influential man through fear of his power, or, it may be, reject a humble man from dislike of his low rank, thus acting the part of the child in the vulgar adage, who does not know its parent's mind. From this it follows, that simply to appoint those who had most votes in a single polling would not necessarily be to secure the most suitable men. This is the reason for the provision that a second poll must be taken, and in committing to the candidates returned in the first instance, instead of to the whole clan, the duty of making the second and final election,—still adhering to the original principle of the highest number of votes, the idea of course is that any blunders committed in the preparatory selection will be eliminated in the repetition of the process.

This supposed, and the final election completely over within the clan, the names of the elected should be once more specifically certified. This done, the people of the jurisdiction (*i.e.*, the serfs or villeins, not Samurai) should next proceed to an election.

The conduct of the foregoing measures, from the sworn compact of lord and vassal to the preliminary and final election of capable men, the chief of the clan should take upon himself alone, not daring to assign it to the heretofore honourable families or officers, and he should thenceforth maintain the same reservation in regard to his legislative and executive authority.

In the practical application of the above system of election by ballot there would be points of difference in every clan, dependent on its size and the number of vassals, but there is not now time to specify them in this volume. This topic, consequently, is reserved for a subsequent volume, in which it will be combined with the treatment of the question of election by the territorial subjects.

No. 41.

Sir H. Parkes to the Earl of Clarendon.—(Received March 21.)

My Lord,

Yokohama, January 29, 1870.

I HAVE the honour to forward six copies of a review of occurrences in Japan, during 1869, which has been published in a local paper, and which I can recommend to your Lordship's notice as a reliable and succinct summary of the events of a year, which has materially contributed to the establishment of a new administrative system in this country.

I have, &c.
(Signed) HARRY S PARKES.

Inclosure in No. 41.

Summary of Events in Japan during the Year 1869.

THE year 1869 has been for the future of Japan, if we read the signs aright, quite as eventful as its immediate predecessors. 1868 pulled down and destroyed ; in 1869 peace has been re-established, the work of re-construction has been fairly commenced, and there are good hopes of the gradual consolidation of the empire into one strong Central Government, with the Mikado as the one visible head. In the slight and necessarily imperfect sketch which we here present to our readers we have endeavoured to bring out the more salient points of interest in the past year, and to show the progress that has been made towards the establishment of a new and permanent order of things.

On the 1st of January the city of Yedo and the port of Neegata were formally opened to foreign trade.

In the beginning of the same month all the foreign representatives, accompanied by the Secretaries of Legation, and by naval and military officers, were received by the Emperor in the Castle which had been the abode of the last dynasty of Shôguns.

It was a happy thought, so soon after His Majesty's arrival in his eastern capital, to invite the representatives to visit him, for the purpose of drawing closer the friendly relations already existing with the Treaty Powers. Here was clear evidence not only that the Mikado's authority was fully restored to him, but that he was willing to conduct intercourse on the footing observed by Western nations. Thenceforward, indeed, no one could doubt that there was but one Sovereign in Japan, and all dreams of the return of the Shôgun to his proud position were finally dissipated.

There was no longer war in the empire. After the fall of Wakamatsu, Aidzu's stronghold, hardly any Princes remained in the north to raise aloft the standard of rebellion. Yonezawa had left the coalition, Sendai had submitted, and Nambu was, as

always, a waverer; Shonai alone gave signs of continued resistance, but the Imperial troops were poured so rapidly into his territory, that he too had been forced to lay down his arms and sue for mercy.

The cases of the rebellious Princes were submitted to a House of Assembly formed of Daimio's representatives, who declared with almost unanimous consent, that the whole number deserved capital punishment, that the crime of Katamori (Aidzu) in particular was offensive to both heaven and earth, and that death was insufficient to expiate his guilt.

The Mikado, however, with that clemency which has been a leading characteristic of his recent advisers, determined to spare the lives of all the Daimios. The two Princes of Aidzu were condemned to forfeit their lands, and to be delivered each into the perpetual custody of a Daimio. The sentences of the remaining twenty-three varied in severity. Partial confiscation of lands, seclusion in Yedo, retirement from public life, were among the punishments awarded.

On the 10th January the Mikado embarked at Ha-ma-go-ten in a small screw-steamer, and went on board his ship-of-war "Fujiyama," and also on board another Imperial steamer lying off Shinagawa. This was one more step—and an important one, out of the old absolute retirement. At Osaka, when His Majesty inspected his fleet, he remained on land.

Ten days later the Mikado left Yedo to return for a season to Kiôto. The objects of this journey were openly stated to be: first, the solemnization of his marriage with a Princess of the House of Ichijô; and secondly, the performance of certain ceremonies connected with His Majesty's mourning for his father. Another reason doubtless was that the people of Kiôto would have been sorely dissatisfied, if the Emperor had greatly protracted his first visit to the eastern capital. His Majesty, however, it was announced, would return in the spring, when an assembly of Daimios would be summoned to deliberate upon measures affecting the welfare of the whole empire.

We have said that there was no longer war in Japan. Insurrection was, however, still rampant in the Isle of Yezo. Enomoto Kamajiro, who had fled away from Yedo with a portion of the ex-Shôgun's former fleet, and finding matters desperate in Sendai, had made a descent on the northern island and captured Hakodate, was still triumphant, and as time wore on, and the Imperialists showed no signs of action, the hopes of himself and of his companions were raised to an exorbitant pitch. These men were, as is well-known, assisted by the presence and counsel of M. Brunet, late of the French "Mission Militaire," whose former pupils the Tokugawa soldiers had naturally been. M. Brunet had with him several Frenchmen, amongst whom were now to be counted two midshipmen who had deserted at Yokohama from the "Minerve."

On the 27th January the ex-Tokugawa rebels proclaimed a republic in Yezo. A salute of 101 guns was fired from the fort, and was answered by one of their ships from the harbour. But the hope of their fleet, the frigate "Hayo-maru," was lying, a helpless wreck, on the rocks near Esashi.

On that day a procession in every variety of nondescript uniform wended its way, with drums and fifes and flags, to Kamida, the seat of the would-be Government, there to celebrate the inauguration of the new-born State.

Fashioning themselves, as might have been expected, upon the model of Imperial France, these republicans declared universal suffrage to be the basis of their constitution, but unlike their prototype, they denied a vote to any of the lower classes, to wit, merchants, artisans, and others below the rank of two-sworded men. The Mikado was to be petitioned to send Mambu no Tayu, the young Prince of the Tokugawa clan who lived so long in Paris, to be their "President" for the nonce, and a charming vista of peace, happiness, and prosperity was opened for the future model republic.

Enomoto's adherents had always laid claim to be regarded as belligerents. But there was no foundation for such a claim. The expedition was composed originally of a number of inferior retainers of the Tokugawa clan, who acted in direct disobedience, not only to the orders of their own Chief, but to those of their Sovereign. They had subsequently been joined by a number of rônins, and disaffected men from Sendai, whose sole object was plunder. They were not countenanced by a single Daimio of note, and certainly their republican visions were utterly alien to native feeling. It was, in fact, a mere piratical raid. It could in no wise be connected with the original struggle of 1868, where many of the principal Daimios with their retainers were arrayed on either side, and where the contest was for the supremacy in Japan. These rebels, therefore, could only be recognized as a Government *de facto* in the Treaty port of Hakodate.

The foreign representatives, consequently, withdrew their notification of neutrality; and, on the 9th February, declared that the war had ceased. Soon after this, the iron

ram, "Stonewall," was handed over to the Mikado's Government by the American Minister.

The succeeding events are too fresh in men's minds to need much description here. Suffice it to say that, after many inexplicable delays, the Mikado's fleet, consisting of the "Stonewall" and six other steamers, left the Shinagawa anchorage on the 21st April, and arrived on the 29th in Miako Bay (Sendai) where they wasted more time, keeping no careful watch aboard their ships. It was there that, on the 6th May, a most gallant, and well nigh successful attempt was made by the rebel steamer "Eagle" to cut out the "Stonewall."

Subsequently, the fleet and troops were collected in Awomori Bay, and from there they proceeded to Yezo, to attack the rebels. They took in succession Esashi and Matsumai; and after much desperate fighting, in which the ex-Tokugawa men showed great gallantry and courage, Hakodate and Kamida surrendered, and Enomoto's ships were destroyed. The survivors gave up their arms on the 27th June, and shortly afterwards they were conveyed as prisoners to Yeddo.

It remains to add that M. Brunet and his French comrades, having had, as was alleged, a misunderstanding with Enomoto in respect of the plan of operations, left him before the final catastrophe, and were received on board the French gun-boat "Coëtlogon" and taken to Yokohama. The French Minister, very properly, did not allow them to land, and they were sent on to Saigon, and thence to France, under arrest.

Meanwhile, a peaceful revolution was taking place, which, if successfully carried through, will have the happiest effects on the country.

After Keiki, last of the Shôguns and Chief of the Executive, had returned his governing power into the hands of the Mikado, he still remained head of the great Tokugawa clan. Soon afterwards he became Inkio, and was succeeded in the Chieftainship of that clan by young Kaménosuké—of the Tayasu family—one of the principal subdivisions of the Gosanké.* The direction of state affairs had now devolved upon the Mikado's government; and, if that government was to be durable, it must be based upon a strong centralization. So long, however, as Japan continued to be divided into a number of territories, each under the sway of a powerful prince, who was well nigh an independent sovereign in his own country, a central government could not be formed with any prospect of stability, and a fresh civil war might be looked for at no distant day.

Now, it was chiefly by means of the powerful Western Daimios that the Shôgunate was overturned; and it, therefore, became their duty to take the initiative, and to give evidence of patriotism by yielding up their quasi-sovereign rights to the Mikado.

Accordingly, a memorial appeared in the official gazette of the 5th March, signed by the Princes of Choshu, Satsuma, Hizen, and Toza, offering up the lists of their possessions and men to His Majesty.

In this remarkable document it is stated that Japan is the Emperor's; that there is no man who is not his servant; that in ancient times the Emperor governed the sea-girt land, and there was prosperity under heaven; that, in the middle ages, the ropes of the net were relaxed, and theft and rapine were the order of the day. Then, as it says, arose the Bakufu (military government of the Shôguns), which divided territories and men, as seemed good to it, among private individuals; it borrowed the name and authority of the Emperor to conceal the traces of thefts of land and men, being forced to use the Imperial name as a blind, "because the relations and duties of the vassal to his lord cannot be laid aside after 10,000 years." But now the great government had been really restored, and the Emperor himself had undertaken the direction of affairs.

The Imperial reply to the memorialists was to the effect that, after His Majesty had reached Yedo for the second time, the matter would be publicly debated in Council. Similar memorials from the Princes of Owari, Kaga, Kishiu, Tokugawa, and many others, came in by degrees, till the whole number reached 241. Except a few Daimios who were not competent to act, only 17 at last remained, who had not offered up their lists. This small minority was, of course, disregarded; and it was settled that the Daimios should go back to their territories,—that uniform laws should be established, of which the Mikado should be the fountain-head,—that new assessments of the lands should be drawn up and sent in,—and that, for the present, the lords of the soil should act as governors in their old domains.

And much of this radical change has been already effected. An edict was published on the 25th July abolishing the distinction between Kugés and Daimios. Further, it was

* Three of the sons of Iyeyasu (Gongen Sama), were invested with the Principalities of Owari, Mito, and Kishiu. These branches were called the Gosanké (Imperial three families); and, on failure of the direct line, it was ordained that the Shôgun should be chosen from among the cadets of one of them.

ordained that, for the future, these old names should be done away with, and that the individuals of both classes should be indiscriminately styled *Kazoku*, or nobles. Most of the ex-Daimios returned to their homes in August and September, and assumed the functions of governors of their clans; each provincial government received an uniform constitution; and it was decreed that, from the beginning of November, the revenues of the old Daimiates should be administered on one and the same system. A tenth of the whole amount is to be allotted for the private expenses of the governor's household; and the remainder, after payment of the salaries of officials, and of all the public expenses, is to go into the Imperial treasury. These public expenses, it should be noted, will include a provision for the support of the two-sworded retainers, whose claims for maintenance will, for some time to come, prove a hearty burden on the revenues of the country.

Such measures constitute a revolution in themselves; and, if successfully carried out, they will weld the old independent principalities of the country into one solid whole.

We must now go back somewhat in time, and shift the scene to Kiôto, where, on the 15th February, a tragic event had occurred, which, little known or remarked on by foreigners, was yet, in one sense, full of significance. It told of the continued existence of a party in that capital, bitterly obstructive to reform, and ready to pursue to the death any individual who had shown a decided leaning towards an enlightened and progressive policy.

Such a man was the Sanjo Yokoi Heishirô, originally belonging to the Hosokawa clan, but then a distinguished member of the Mikado's government. As he was returning home from court on the above day, a pistol was suddenly fired at his palanquin; and some half-dozen men rushed upon it with drawn swords. Yokoi Heishirô pushed open the door of his litter, and, drawing his dirk, tried to defend himself. But whilst he was parrying the thrusts of his assailants, one of them with a single blow cut off his head, and then carried it away. The head was subsequently recovered, but the murderers escaped, after a desperate scuffle.

Out of a list of five men, for whom, as participators in this foul deed, an active search was directed to be made, one was a former retainer of Tokugawa, who had turned priest, and had subsequently come back into the world, and two were *Gôshi** of Totsugawa. Both these classes, the *ci-devant* Priests and the *Gôshi*, are fanatically opposed to reform, and to those of their countrymen who are believed to be friendly to foreigners.

Thus perished Yokoi Heishirô, one of the most liberal-minded men in Japan. Savagely murdered in broad daylight, in a street of the old capital, he fell a victim to that ignorant enmity to progress and reform which, not long ago, was shared in by the very highest in the realm, and is still held as an article of faith by many a Japanese Samurai.

On the 18th April His Majesty left Kiôto once more for Yedo. Here, again, a section of the obstructive party showed itself. A number of the *Shimpei*† threw themselves in the Mikado's path, and implored him not to leave the sacred city, nor pollute himself by intercourse with foreigners; and, when His Majesty was deaf to their entreaties, they said that there was nothing left for them but to accompany him, and protect his sacred person. And they were some 2,000 strong, ready enough with their trenchant blades. So they were allowed their way; and they guarded the Mikado, and came trooping into the eastern capital.

His Majesty arrived in Yedo on the 9th of May. For many days previously, the Tôkaidô was thronged with trains journeying from Kiôto. On the 2nd, as Mr. Robertson, Acting British Vice-Consul at Yedo, and his wife, and Mr. Loureiro, Portuguese Consul, were returning along the great road to Yokohama, they were threatened, and forced to descend from their carriage, by a man belonging to one of the processions. On the 4th, a similar insult was offered to Captain Stanhope, of the "*Ocean*," and three other Englishmen. Sir Harry Parkes lost no time in demanding redress from the Government. It turned out, upon subsequent inquiry, that the same man had been in fault in each case. The train was that of the ladies of the Court; and the reason of their being three days on

* The *Gôshi* are a species of two-sworded gentry, living on their own land from generation to generation, owning no allegiance to any feudal lord, and holding rank between the ordinary Samurai and the peasantry. A great number of them hail from Totsugawa, a district not far from Kiôto, and many are enrolled in the *Shimpei*, or body-guard of the Emperor.

† The *Shimpei* are a body of men composed of various elements. They are recruited, not only from the *gôshi*, but from masterless men with no particular occupation, as well as from individuals who have left the priesthood, finding the profession of arms more congenial to their feelings. They consider themselves to be especially imbued with the ancient spirit of Japan; and their creed is, devotion to the Mikado, and death to the foreign barbarians. Both the men who attacked the British Minister's party at Kiôto in March, 1868, belonged to the *Shimpei*; and one of them had twice been a priest. The first occasion of the reception of a foreign Representative by the Mikado was, doubtless, a sacrilege in their eyes.

the road between Kanagawa and Yedo, was, that they had been detained by the deluge of rain which fell on the 3rd. There was some delay in obtaining the desired information from the Government, who were, perhaps, loath to implicate any one belonging to this particular train; but, ultimately, satisfactory evidence was produced, and a suitable apology was made. Notifications were then posted up along the Tōkaidō, warning Kugés and Daimios that foreigners were not to be forced to descend from their carriages, nor to dismount from their horses; and since that time no similar insults have been offered on the road.

Somewhat before these occurrences, several Frenchmen had been mysteriously attacked in Yokohama, and foreign guards were, consequently, again stationed in the Settlement, but only for a short period.

Before His Majesty's arrival in Yedo, the House of Representatives had been formally opened. More than 200 out of the 276 members were present, as well as a number of high dignitaries. Prince Akidzuki Ukiō no Suké, Lord of the Mikado's Castle at Kōfu, presided, and read out the Imperial message. This was on the 18th of April.

It must be remembered that, not only was the assembly composed of nothing but two-sworded men, who, in order to render them eligible, were declared to rank as Karō or Counsellors, but that the members were there as representatives of the Clans or Daimaites, alone. In this first attempt at a Parliament there were no members from cities or towns but only from clans; the merchants and the people at large had no voice in the deliberations; they could neither elect nor be elected. The House could not, therefore, lay claim to the appellation of a National Assembly; but, as a first endeavour to introduce a liberal element into the new Constitution, and to form a channel for the expression of public opinion, it is entitled at least to our indulgence. It should, in fact, be looked upon as a species of debating society, where opinions could be broached and subjects discussed; but it could pass no laws. The questions for debate were to be presented either by the Government, by one of the members, or by any Japanese who did not belong to the House.

The majority of the members who were chosen showed a conservative tendency; but there was a fair sprinkling of reformers, among whom may be counted some of the ablest men. They appear to have thought that there was an obligation on the part of the Government to carry out the suggestions made by them from time to time; but, in that respect, they mistook the extent of their powers, and this nearly put an end to their existence: the constitution of the Assembly has, however, since been modified, and the session is not yet closed.

There have been some curious debates, but our space is too limited to go into them. A proposition to abolish the practice of harakiri was almost unanimously rejected, and not a single Member recorded his vote in favour of proposals that all persons, except Government officials and soldiers, should give up wearing sword and dirk, and that the former should no longer carry their dirks. There have been debates adverse to the toleration of Christianity among natives; and questions relating to commerce have not been treated with liberality. But consummate wisdom is not to be expected from this crude attempt at a Parliament; nor can we wonder that this body of men are, as yet, unprepared to support propositions for the abolition of their time-honoured institutions. Such an innovation as a popular assembly cannot be brought to maturity in a few months.

It should be remarked that the Mikado visited the House on the 31st October, and drank a loving cup with the Members there present.

In the month of September—for the first time in the history of Japan—a foreign Prince became the guest of the Mikado. On the 1st the Duke of Edinburgh arrived in Yedo, and took up his residence at Hama-go-ten, the old summer recreation-ground of the Shōguns, close to the water's edge. This delightful spot, dotted over with summer-houses on a little piece of brackish water communicating with the bay, contains a building which had been transformed into a comfortable European house for His Royal Highness' reception. The name Ham-a-go-ten was changed to Yen-Riyō-Kwan, which may be freely translated as a place set apart for the reception of foreigners of distinction.

During his sojourn here, His Royal Highness was most hospitably entertained. In the course of his visit of a week, jugglers and acrobats performed their choicest feats, cunning fencers crossed sword and lance, the champion wrestlers displayed their prowess; and besides other national representations, the ancient dramatic performance of Nō was given in the first Yashiki of the Prince of Kishiu. The nobles of the Court and the chief officers of State vied with each other in showing every civility and courtesy to the Royal guest; and on the day that the Duke of Edinburgh was to be received by the Mikado, as his procession moved along, it was remarked that the upper windows of all the houses on the line of route were sealed with slips of paper, so that no one could look down upon him

whom the Mikado delighted to honour. Such a distinction is reserved in Japan for the highest in the land.

After His Royal Highness had been received in public audience by the Mikado, he was invited to a private interview in the summer-house in the grounds. There the only foreigners present besides the English Duke were Sir Harry Parkes, Admiral Sir Henry Keppel, and Mr. Mitford, as Interpreter; the rest of the suite remaining outside. Of this private visit it is not for us to speak; we can only say that it was conducted on equal terms between the two principal personages, who both sat down after the first formal courtesies had been interchanged, the high dignitaries and officials all standing around. A marked contrast to the lack of reception which greeted our Prince when he visited Peking, after his departure from Japan!

The Duke of Edinburgh returned to Yokohama by sea on the 8th, and took with him on board the "Galatea," besides other high Japanese dignitaries, Hi-yôbu Kiyô no Miya, a Prince of the Blood, who a few evenings later (novel sight for His Imperial Highness) was present at a ball given at the British Legation. The Royal Duke remained at Yokohama till the 16th, and that he was thoroughly impressed with the unaffected cordiality which had greeted him in the settlement was evident from his parting words, when he declared that no where had he found stronger feelings of loyalty and affection to the Queen and to the Royal Family than among his countrymen in this remote spot.

With the "Galatea," the "Ocean" and the "Salamis" left our harbour, the latter bearing away, amidst the universal regret of all nationalities, Admiral Sir Henry Keppel. Two days previously this gallant officer had received a most hearty ovation from the British mercantile community, at a farewell dinner given in his honour. He is now gone home, and though his welcome face will no longer be seen among us, his memory is stored up in our hearts, and we regret the loss of the brave old sailor and genial English gentleman.

Following our narrative, we must now revert to Japanese affairs. The roll of victims to a progressive policy was not yet full. The Government had fortunately been strong enough to keep the body-guard in order whilst in Yedo, and to prevent a tumult or any attempt to murder foreigners. Gradually these mighty men of valour were cleared out of the eastern capital, a number of them being sent back to Kiôto under the charge of Omura Masujiro, a Vice-Minister of the War Department. On the 8th October some of these patriots broke into Omura's house, hacked him about to such extent that he has lately died, and also killed or wounded several of those about him.

In the folds of the dress of one of the attacking party, who was cut down and beheaded, the usual paper was found, recording the owner's profession of faith. It stated that Omura had steadily conformed himself to foreign customs, and had disgraced the national character of divine Japan; that he had arbitrarily introduced customs of the barbarians, and had remembered foreigners but forgotten his Emperor; that therefore he was to be executed, and his head exposed as an example to posterity.

But let us turn to a pleasanter and more encouraging subject. On the 2nd October two Austrian ships of war arrived at Yokohama on their way round the world in the interests of commerce. Admiral Baron von Petz, the head of the expedition, accompanied by the other members of the Austro-Hungarian Mission, proceeded to Yedo on the 7th; nine days subsequently they were received by the Mikado, and on the 18th, the anniversary of the day of their departure from home, the Treaty of peace and amity was signed.

This expeditious work was a striking proof of the readiness of the new Government to comply with the usages of Western nations, and to meet the wishes of a foreign Envoy. It is in strong contrast to the slow obstructiveness of the Shôgun's Government in their earlier intercourse with foreign Representatives, when years would elapse before an Envoy was admitted into the presence of him who was wrongly styled His Majesty; and even then the advance over every mat had to be persistently contested. A contrast too to the difficulties the Mission had met with in Peking, where the negotiations were needlessly protracted over a period of many weeks, and were almost broken off on the question of giving equal titles to the respective Sovereigns of the Contracting Parties.

And a proof that this was no solitary instance of an increasing willingness to conform to the customs of other nations is to be found in the fact that, when in the end of October Mr. De Long, the new American Minister, arrived, a fortnight did not elapse before he had his formal audience of the Emperor.

It should also not be forgotten that, on the conclusion of the Austro-Hungarian Treaty, the Mikado of Japan wrote an autograph letter to his brother, the Emperor of Austria. This was indeed a concession to European usages, no Potentate but an Emperor of China having been thus previously addressed by a Mikado.

The crowning act of clemency was issued by the Government on the 1st of November,

The ex-Shôgun, the Prince of Aidzu, and all their adherents received a full and gracious pardon, peace being restored in the dominions of the Mikado, and a settled state of things being established throughout the empire.

On the 27th of November the young Empress arrived in Yedo after a long journey by land from Kiôto. At the period of her leaving some disturbances took place, and an attempt was made to prevent her from starting. For several days previous to her arrival there was an uneasy feeling in the air, and along the Tôkaidô the notifications of last summer, against insults to foreigners, were again conspicuously displayed. But nothing happened; Her Majesty passed quietly and unostentatiously along, and reached the Castle without any hindrance. No foreigner was insulted, and we may fairly hope that with a Government increasing in strength, the power to bridle the unruly spirit of mis-called patriotism will be attained at no distant date, and will thenceforward be rigorously exercised.

For the nucleus of a central Government has been formed and is slowly, but still surely, developing in the eastern capital. That Government consists not only of former retainers and some chiefs of clans, but of many nobles of the Mikado's Court, who, till within two or three years ago, passed their lives in retirement at Kiôto. It is an honour to them that they have been able to throw off their old skin so quickly, to give up so much of their prejudices, and to come out into the light, determined that their country shall enter upon a new course. It redounds to their credit that they have seen that the continued presence of foreigners in Japan is inevitable, that they have frankly accepted the position, and are ready to turn it to the best account. That there is still much prejudice against us cannot be denied, nor can we conceal the fact that friendly overtures are made, not out of love for us, but from the conviction of the necessity of a change in policy. Still we must not look too closely into the motives of the men in power, nor should we repel their advances; if they do not love us now, they at least acquiesce in our presence, and by degrees, as the Government becomes consolidated, and as trade steadily increases, a more kindly feeling towards us will surely spring up, and the bonds of amity will be gradually strengthened.

Then as the appliances of modern civilization are introduced and take root, the country will be more and more opened up. Already the telegraph-posts are erected between Yedo and Yokohama, and we may hope that the readiness of the Japanese to profit by foreign inventions may soon be further exemplified in enterprises of a more extensive nature. There has been a period of great upturning and convulsion, trade has consequently languished, and the country has been drained of its coin to pay for excessive importations of arms and munitions of war. A short rice crop, and the necessity of importing large supplies of food must also temporarily diminish the power of the country to purchase foreign manufactures. We trust, however, that we are not too sanguine in saying that the worst is past, and in hoping that, as Japan gradually relieves herself of the burden of maintaining a large proportion of her population in arms, she will put forth increased industrial efforts, and that, consequently, coming years will show a sure development of her resources at home, and of the commerce of her people with the other nations of the world.

No. 42.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, March 26, 1870.

I HAVE to instruct you to convey to Mr. Hall my approval of the diligence shown by him in furnishing the translation of the Japanese pamphlet inclosed in your despatch of the 29th January.

I am, &c.

(Signed) CLARENDON.

Sir H. Parkes to the Earl of Clarendon.—(Received June 6.)

My Lord,

Yedo, April 21, 1870.

I HAVE had frequent opportunities of discussing with the Mikado's Government the desirability of introducing railways and telegraphs into Japan. It is essential to the establishment of a vigorous and compact administration under the new constitutional system, and of equal importance to the interests of commerce and the industry of the people that improved means of communication should be provided. Japan, unlike China, does not possess navigable rivers; the rate of travelling averages only twenty miles a-day, and provinces that are separated by 400 or 500 miles are at nearly a month's distance from each other. The two capitals of Yedo and Kioto, though connected by the best line of road in the country, are a fortnight's distance apart, and the difficulty of transporting rice often exposes one part of the country to scarcity and distress, while another district may be wanting an outlet for its produce.

At the close of last year I was informed by the Government that they had resolved to construct a railway between Yedo and Kioto. Their difficulty in making a commencement lay in the want of funds, and this was met by an offer on the part of Mr. H. N. Lay, formerly of China, and who was then visiting Japan, to lend the Government 1,000,000*l.* sterling, on the security of the projected line of railway and the Customs revenues. They accepted this offer, and Mr. Lay returned to England to raise the above sum and to engage the necessary engineers for the work. These are to be employed by the Japanese Government under the direction of Mr. Lay, who has the right of superintending the construction of the railway, though all the plans and details have to be approved by the Japanese Government.

It is not surprising that such a measure should have been strenuously contested by the party opposed to progress, and also by those who were unable to appreciate the advantages of the innovation. The Government have, therefore, had to labour hard in order to secure a majority of opinion, and have had to contend both with factional opposition and also with difficulties not dissimilar in character to those which so long obstructed the introduction of railways into our own country. Many discussions have been held in Council, and the Government have had to support their plans both by debate and written argument. I beg to inclose translations of two Minutes which were handed in by Members of the Government, and also of a petition which was presented by an old Court Noble of Kioto, a quarter in which support of the scheme was scarcely looked for. These papers show that the question is fairly understood by its advocates, and that they are able to suggest ways and means for carrying it into effect.

I believe the Government now feel assured that the execution of the scheme may be proceeded with; and as the chief engineer, Mr. Morel, has reached Japan, they intend that he shall at once commence to survey the line between Yedo and Yokohama.

I may mention in this connection that an experimental line of telegraph, constructed by Mr. Brunton, is already working between Yedo and Yokohama. Many Japanese foretold failure in this matter; also, it was believed that the wires would be constantly cut, and in the popular mind it was connected with necromancy and Christian propagandism. The only injury done, however, has been some hacking of the posts by two-sworded roughs; and the single wire is now found scarcely sufficient to meet the demand for the transmission of Japanese messages between Yedo and Yokohama. Mr. Brunton is now engaged in putting up a similar line between Hiogo and Osaka.

I have, &c.

(Signed)

HARRY S. PARKES.

Inclosure 1 in No. 43.

An Essay on the Introduction of Railways and Telegraphs into Japan.

(Translation.)

A Proposition for the Creation of a Source of Wealth for the Promotion of the Imperial Felicity, and the Establishment of an Unlimited and Everlasting Benefit to the Nation.

OUR country is situated between the 30th and 50th degrees of north latitude, and it extends over 21 degrees of longitude. The extent of Japan in length is about 600 ri, in breadth it is 100 ri, and its inhabitants number above 50,000,000.

The quality of our land and sea produce in some articles is equal or even superior to that of Europe. The national capacity of our people whether manifested in politics or in literature is such as we need not be ashamed of. But the energy of our people is on the decline; the national debt is on the increase; the voice of the poor in their misery fills the streets. Why is this?

Our communications by land and sea are not free, our eastern and western provinces are distant from each other, and their language and manners are different, so that they are to each other almost like foreign countries. Hence, the prices of commodities and the value of the circulating medium are far from being on a proper level. Our wealth goes into the pockets of the foreign merchants instead of promoting the good of our country and the happiness of our people. How painful is this! We now approach to our subject, the introduction of telegraphs and railways. We advocate it not from the love of unnecessary trouble. But our opponents argue in return that the national means have become scanty from the sufferings to which our country has been exposed, and that, therefore, we should dispense with the merit of successful public works and machinery. Let us, they say, establish no new regulations, but maintain our old laws, and by them again bring the country to a prosperous state. Another party objecting argues:—Railways and telegraphs are no doubt very useful inventions, but in the career of a nation there are periods of rise and fall; there are rich countries and there are poor. We should try to improve our own by our old methods, and gradually bring it to the same state of greatness and civilization as the others rather than introduce into it inventions which will only astonish our people's eyes and frighten their ears.

The two foregoing arguments are no doubt not entirely without some reason, and they evidently proceed from minds labouring under a consciousness of our present misfortunes combined with feelings of great benevolence towards the people. But these are narrow views; these minds are small; they look at heaven, as it were, through a hole in a small bamboo. I maintain that the future of a country lies in its people, and the way to enrich the people is to encourage the productions of industrial labour. In these efforts the economy of human labour is of paramount importance. This is only possible by the introduction of telegraphs and railways. If a proof for this assertion is wanted we need only look to the condition of those nations which we now call great and highly civilized, say England or France, and a hundred years ago, when they had not been able to overcome the disadvantages of an exclusive employment of human forces for labour of all kind. Since the introduction of railways and telegraphs into those countries a hundred other useful and profitable discoveries have been added, and distances of thousands of miles are now traversed by horses and waggons or boats in a moment. Government dispatches its orders in all directions with celerity and promptness. Thus have the present wealth and power of those countries been created.

These are the lasting and incalculable advantages of telegraphs and railways. If we calculate the expenses of our present postal system connected with the Tokaido, we find that, in addition to the forced labour performed by the peasantry, there is an additional annual subsidy required, amounting to 2,000,000 rios. The people of the towns through which the high road runs are, therefore, extremely poor, and suffering in their unmitigated misery. Their old parents are neglected; mothers cannot marry their daughters. Indeed, painful is the contemplation of these facts. They cannot be left without assistance: they must soon receive relief.

The present annual subsidy of 2,000,000*l.* per annum for ten years would form a capital of 20,000,000 rios; whereas the expense of introducing railways and telegraphs on that road would amount to not more than half that sum.

The present subsidy for five years would thus alleviate the sufferings of millions, and would open up sources of profit which would endure for millions of generations. Let us not listen to the arguments of those who object to the introduction of railways and telegraphs. The consideration of other advantages, such as the connection of the two centres of our political system—the capitals of Tokei and Kioto—need scarcely be added in support of our views. The government of the whole country emanates from these two towns; the voice from the one ought to be day by day heard in the other. Any impediment on delay in their communication would be detrimental. This may serve as a conclusive proof of our argument that the introduction of railways and telegraphs would promote the establishment of an unlimited and everlasting benefit to the nation.

Let us hope that these objects may be obtained, and that they may become the source of our national prosperity, and promote the Imperial felicity. We may then say in truth that the basis of our independence and liberty, as a free nation, was the introduction of telegraphs and railways.

The above is a short *résumé* of my opinions on this subject.

March 1870.

Inclosure 2 in No. 43.

Memorandum on the Advantages to be gained from the Construction of Railways.

(Translation.)

I HAVE been informed that locomotive engines are extensively in use of late years among Western nations, and that they have proved of essential value for interior communication in regions where there are no navigable rivers, and on occasions where a moment's delay in travelling can ill be endured.

In our country we have as yet neither these engines nor the roads for them to move on, and their construction is a very serious undertaking. It is, however, exceedingly desirable that lines of railway should be made from Yedo to Kioto and Osaka, and from Yedo to Oshiu and Dewa. By this means it will be possible in the short space of twenty-four hours to perform long journeys, the distress occasioned by the exhaustion or rise in price of grain, pulse, or other articles will be relieved, and prices become uniform. This will not be the sole advantage, for they will make it profitable to reclaim waste and uncultivated tracts of moors and plain, and still more important advantage will be that, in cases of sudden emergency, it will be possible to dispatch troops quickly to put down disturbances. Railways are in this way, I am informed, of the first importance, both for the prosperity and the military strength of a country; and it is desirable that they should be introduced into Japan without delay. However, as this is an entirely new project, the great size of the engines and the expense which will be incurred in cutting the railways may cause alarm, and it may not be acceptable to the popular mind, which will prevent its being carried out at once. As a specimen, which might afterwards be extended to distant provinces, a line might be made from Yedo to Yokohama.

This line would present few difficulties, as the country is level and there are few rises, circumstances favourable for a first attempt. Besides the land which would have to be given up in the construction of the straight road would be comparatively little, probably not amounting to 1,000 kokus. The total cost, including locomotive engines, trucks, with the expense of constructing the road, would amount to 500,000 rios or upwards.

In regard to the mode of raising the money, it may be observed that the Yokohama merchants have now subscribed 200,000 rios to fill in the sea at Yokohama and Kanagawa. If a Proclamation were issued about a railway they would subscribe still more readily in the hope of future profit, and I have even heard that some of them have petitioned to be allowed to make a railroad. I am thus of opinion that it might be completed without any expense on the part of the Government. The receipts of the railway will be amply sufficient to indemnify the holders of the land which will be taken up.

Between Yokohama and Yedo there is a convenient means of communication by sea, and this may be brought as an argument that the construction of railway is unnecessary; but Yokohama is prospering more and more. It is also close to the eastern capital; trading transactions follow one another with rapidity, and the shortest periods of time are eagerly employed.

If a railway were constructed, the places would become neighbours, and, as it were, one continuous street. Aged men, women, and children would travel with ease, and trade would become more and more flourishing. In future chairbearers, horseboys, boatmen, and innkeepers will reap the benefit of the increasing prosperity, and they will be able to find some means of gaining a livelihood.

For the present the execution of this great undertaking will afford employment to large numbers of the lower class in Yedo and the vicinity, and give them the means of supporting themselves. This will naturally accustom them to the idea of a railroad, and thus the way will be prepared for its future extension as above proposed to the other provinces.

I am desirous, in the meantime, that a decision should be come to on the above point, and a Proclamation issued at once.

Inclosure 3 in No. 43.

Petition advocating the Introduction of Railways.

(Translation.)

THE progress of a country in civilization is a part of the order of the universe, and depends on natural laws. It is independent of human action. The men of remote antiquity made themselves dwellings in hollow trees or caves, because the art of architec-

ture had not been invented : for food they used wood and grass, because the art of agriculture had not yet been introduced ; and because letters had not been invented they made use of knotted cords. In the Togu dynasty they learned to protect themselves from the inclemency of the weather by houses ; to cultivate grain, and to use it for food ; to use letters for communication among one another ; to lighten their burdens by the use of horses and cattle ; and to cross the seas in ships. The arts of life made daily progress, and seem to have reached a high degree of perfection in the days of the Sandai. Chiuji said, however, " fear after ages," his meaning doubtless being that the work of progress was still incomplete.

When your servant surveys the condition of the various countries of the world, none of the six continents seem comparable to Europe for extension of enlightenment and wealth in mechanical appliances. Indeed, the continent of Europe alone excels all the other five continents together. What is the reason for this state of things ? The sole reason is, that Europe is more enlightened and better provided with machinery. The men of the West have a saying that if you wish to learn whether a nation is rich or poor, strong or weak, you must first ascertain how it is provided with machinery. The invention of the steam-engine, and the introduction of more efficient modes of locomotion have enabled those countries to provide every facility for transport both by land and sea. It is, therefore, not surprising to find them so wealthy and so powerful.

Japan stands apart by itself in the far East, and ever since the middle ages it has invited no intercourse with other countries. Hence we were universally ignorant of foreign things, and for transport we were content to have our goods carried on men's backs. If we had horses or bullocks we were more than satisfied. A passage by sea of 10 ri often caused a delay of several days. We never dreamt, however, of being dissatisfied. It is no wonder, therefore, that the eyes and ears of the people have not been opened.

From a Japanese point of view, it would appear as if the countries of Europe had already made sufficient progress, but they themselves are far from being satisfied. Every day greater skill is attained ; every month art advances, every year these countries increase in wealth, power, and useful appliances. If we were ignorant of all this we should be obliged to remain as we are, but, now that we know it, have we not reason to be ashamed ?

It seems unnecessary to prove the advantages that will accrue to Japan from railways. Unenlightened and ignorant men, however, do not know the immense advantages which they will procure, and are afraid of the temporary injury which will be done to porters and innkeepers. They accordingly use every effort to prevent their introduction, and it is not strange that they should do so. There was in ancient times a wise ruler who passed without notice a street brawl, but made inquiries about a cow which he saw panting. In a matter which concerns the good of the whole empire, why should one advocate the interests of a few coolies and innkeepers ? Besides, the coolies will have no difficulty in finding another occupation. There is nothing to prevent them doing whatever they please. There are also large tracts of waste land where persons of this class, even in ordinary times, might be made to settle, and thus converted into useful subjects of the empire. Much more will it be desirable to do so when this scheme, rich in benefits for Japan, is finally carried into execution. The inns, at intervals of 2 or 3 ri, might be converted into railway stations, and the great numbers of passengers will give them plenty of custom. There is no reason why the introduction of railways should injure their business.

Now that the Imperial Government has been re-established, it is no time for concealing the distressing condition of the country. Your servant has already represented his humble views respecting the removal from circulation of the debased currency, and he now adds his opinions about railways. Those who do not know how stupidly honest he is, say that he is carried away by a love of what is new and strange. This is far from the truth. He has occupied his private leisure in studying the Constitutions of foreign countries ; and here, too, he is profoundly ashamed. Your servant is willing to undergo beheading or boiling alive for his opinions. It is his humble opinion that the old exclusive spirit is still alive, and that the vicious habit of taking superficial views is not yet eradicated. Narrow views, such as might be held by a frog that lives in a well, are daily becoming more and more rife, and they not only find a vent in everyday conversation, but are boldly proclaimed in high official quarters. These persons are an obstacle to the progress of civilization, and injure the wealth and power of our country. They do not know that, in order to defend ourselves against the foreign barbarians, whom they so much detest, the wealth and power of Japan must be the chief means. Their efforts only tend to weaken our country, and thus strengthen the hands of the enemy. Is not this an error ? They always argue that what their opponents term an unnecessary expense is really a fund for the support of the coolies engaged in the transport service ;

what is described by their opponents as a needless loss of human labour, they assert to be the means of subsistence for the labouring classes. Their reasoning goes to prove that horses and bullocks are injurious to baggage porters; that ships and carts are injurious to the country which uses them; that ingenious inventions interfere with the policy of letting well enough alone; and that civilization is injurious to the development of talent. Such persons are really anxious to return to the old state of things, when men lived in hollow trees and caves like beasts. This policy might succeed if Japan were the only inhabited country in the world, and no human beings lived beyond the seas. Under present circumstances it is utterly impossible to maintain it. It is the prayer of your servant that the great principles of the Constitution may be maintained, that attention be not drawn off to petty advantages or shallow sentimentalities, but that, regardless of the remonstrances of such men, a decisive order for the introduction of railways be given. Then the people of Japan will have placed before their eyes the advantage of this invention, and the proverb that "to see once is better than to hear one hundred times," will be exemplified.

When the railway has been constructed machinery of all kinds can be introduced, commencing with appliances for the cultivation of the mulberry-tree, the silk culture, weaving, and for cleaning rice.

Thus will a great stimulus be given to production, and foreign gold and silver made to flow towards Japan.

If no scheme for recalling the paper money of the Empire is introduced, foreign coin will gradually rise in value, to the detriment of this divine country. It requires no learned man to prove this

If, under present circumstances, the railway project should fall to the ground, from a dislike to the trouble of carrying it into execution, your servant fears that the results to the Empire will be calamitous.

Your servant, Marasada, prays that this, his second petition, may receive favourable consideration, and bows his head one hundred times with profound respect.

(Signed)

TANISHOKEI MENAMOTO NO MARASADA.

March 1870.

JAPAN. No. 3 (1870).

CORRESPONDENCE respecting Affairs in
Japan : 1868-70.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON :
PRINTED BY HARRISON AND SONS.

831
NETHERLANDS, BELGIUM, AND LUXEMBOURG.

RETURN to an Order of the Honourable The House of Commons,
dated 2 August 1870 ;—for,

“ COPY of the TREATY relative to the *Netherlands*, signed at London, November 15, 1831, with Translation [presented 2nd February 1832] :—
COPIES of the TREATIES relative to the *Netherlands* and *Belgium*, signed at London, April 19th, 1839 [presented 10th June 1839] :—And, COPY of the TREATY relative to the Grand Duchy of *Luxemburg*, signed at London, May 11, 1867 [presented 3rd June 1867].”

(*Mr. Otway.*)

Ordered, by The House of Commons, to be Reprinted,
2 August 1870.

CONTENTS.

	PAGE
TREATY relative to the Netherlands, signed at London, 15th November 1831 -	3
TREATIES relative to the Netherlands and Belgium, signed at London, 19th April 1839 - - - - -	19
TREATY relative to the Grand Duchy of Luxemburg, signed at London, 11th May 1867 - - - - -	41

T R E A T Y
RELATIVE TO
T H E N E T H E R L A N D S.

Signed at London, November 15, 1831.

LES Cours de la Grande Bretagne, d'Autriche, de France, de Prusse, et de Russie, prenant en considération les évènements qui ont eu lieu dans le Royaume Uni des Pays-Bas depuis le mois de Septembre de l'année 1830, l'obligation où elles se sont trouvées d'empêcher que ces évènements ne troublâssent la paix générale, et la nécessité qui résultait de ces mêmes évènements d'apporter des modifications aux transactions de l'année 1815, par lesquelles avait été créé et établi le Royaume Uni des Pays Bas; et Sa Majesté le Roi actuel des Belges s'associant à ces intentions des Cours ci-dessus mentionnées, ont nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Jean Vicomte Palmerston, Baron Temple, Pair d'Irlande, Conseiller de Son Majesté Britannique en Son Conseil Privé, Membre du Parlement, et Son Principal Secrétaire d'Etat ayant le Département des Affaires Etrangères :—

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Prince Paul d'Esterhazy, Chevalier de la Toison d'Or, Grand Croix de l'Ordre Royal de St. Etienne, de l'Ordre des Guelphes, de St. Ferdinand de Sicile, et de celui du Christ de Portugal, Chambellan, Conseiller intime actuel de Sa Majesté Impériale et Royale Apostolique, et Son Ambassadeur Extraordinaire près Sa Majesté Britannique; Et le Sieur Jean Philippe Baron de Wessenberg, Grand Croix de l'Ordre Royal de St. Etienne, de l'Ordre Militaire et Religieux des Saints Maurice et Lazare, de l'Ordre de l'Aigle Rouge de Prusse, et de celui de la Couronne de Bavière, Chambellan, Conseiller intime actuel de Sa Majesté Impériale et Royale Apostolique :—

Sa Majesté le Roi des Français, le Sieur Charles Maurice de Talleyrand Perigord, Prince Duc de Talleyrand, Pair de France, Ambassadeur Extraordinaire et Ministre Plénipotentiaire de Sa dite Majesté près Sa Majesté Britannique, Grand Croix de la Légion d'Honneur, Chevalier de l'Ordre de la Toison d'Or, Grand Croix de l'Ordre de Saint Etienne de Hongrie, de l'Ordre de Saint André, de l'Ordre de l'Aigle Noire, &c. &c.

Sa Majesté le Roi de Prusse, le Sieur Henri Guillaume Baron de Bulow, Son Chambellan, Conseiller intime de Légation, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, et Chevalier de plusieurs Ordres :—

Sa Majesté l'Empereur de toutes les Russies, le Sieur Christophe, Prince de Lieven, Général d'Infanterie de Ses Armées, Son Aide-de-Camp Général, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie, Grand Croix de l'Aigle Noir et de l'Aigle Rouge de Prusse, de l'Ordre Royal des Guelphes, Commandeur Grand Croix de l'Epée de Suède, et Commandeur de l'Ordre de St. Jean de Jerusalem: Et le Sieur Adam, Comte Matuszewic, Conseiller Privé de Sa dite Majesté,

Chevalier de l'Ordre de Sainte Anne de la première Classe, Grand Croix de l'Ordre de Saint Vladimir de la seconde, Grand Croix de l'Ordre de l'Aigle Rouge de Prusse de la première, Commandeur de l'Ordre de Léopold d'Autriche, et de plusieurs autres Ordres étrangers :—

Et Sa Majesté le Roi des Belges, le Sieur Sylvain Van de Weyer, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique :—

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles qui suivent :—

ARTICLE I.

Le territoire Belge se composera des provinces de
 Brabant Méridional.
 Liège.
 Namur.
 Hainault.
 Flandre Occidentale.
 Flandre Orientale.
 Anvers, et
 Limbourg.

telles qu'elles ont fait partie du Royaume Uni des Pays-Bas constitué en 1815, à l'exception des districts de la province de Limbourg désignés dans l'Article IV.

Le territoire Belge comprendra en outre, la partie du Grand Duché de Luxembourg indiquée dans l'Article II.

ARTICLE II.

Dans le Grand Duché de Luxembourg, les limites du territoire Belge seront telles qu'elles vont être décrites ci-dessous :

A partir de la frontière de France entre *Rodange*, qui restera au Grand Duché de Luxembourg, et *Athus*, qui appartiendra à la Belgique, il sera tiré, d'après la carte ci-jointe, une ligne qui, laissant à la Belgique la route d' *Arlon* à *Longwy*, la ville d' *Arlon* avec sa banlieue, et la route d' *Arlon* à *Bastogne*, passera entre *Mesancy*, qui sera sur le territoire Belge, et *Clémancy*, qui restera au Grand Duché de Luxembourg, pour aboutir à *Steinfort*, lequel endroit restera également au Grand Duché. De *Steinfort*, cette ligne sera prolongée dans la direction d' *Eischen*, de *Hebus*, *Guirsch*, *Oberpalen*, *Grende*, *Nothomb*, *Parette* et *Perlé*, jusqu'à *Martelange*: *Hebus*, *Guirsch*, *Grende*, *Nothomb*, et *Parette*, devant appartenir à la Belgique, et *Eischen*, *Oberpalen*, *Perlé*, et *Martelange*, au Grand Duché. De *Martelange* cette ligne descendra le cours de la *Sure* dont le *thalweg* servira de limite entre les deux états, jusque vis-à-vis *Tintange*, d'où elle sera prolongée aussi directement que possible vers la frontière actuelle de l'arrondissement de *Diekirch*, et passera entre *Surret*, *Harlange*, *Turchamps*, qu'elle laissera au Grand Duché de Luxembourg, et *Honville*, *Livarchamp*, et *Loutremange*, qui feront partie du territoire Belge: atteignant ensuite, aux environs de *Doncols* et de *Soulez*, qui resteront au Grand Duché, la frontière actuelle de l'arrondissement de *Diekirch*, la ligne en question suivra la dite frontière jusqu'à celle du territoire Prussien. Tous les territoires, villes, places, et lieux situés à l'ouest de cette ligne, appartiendront à la Belgique, et tous les territoires, villes, places, et lieux situés à l'est de cette même ligne, continueront d'appartenir au Grand Duché de Luxembourg.

Il est entendu qu'en traçant cette ligne, et en se conformant autant que possible à la description qui en a été faite ci-dessus, ainsi qu'aux indications de la carte jointe, pour plus de clarté, au présent Article, les commissaires-démarcheurs dont il est fait mention dans l'Article V, auront égard aux localités, ainsi qu'aux convenances qui pourront en résulter mutuellement.

Pour

ARTICLE III.

Pour les cessions faites dans l'Article précédent, il sera assigné à sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, une indemnité territoriale dans la province de Limbourg.

ARTICLE IV.

En exécution de la partie de l'Article I, relative à la province de Limbourg, et par suite des cessions indiquées dans l'Article II, il sera assigné à Sa Majesté le Roi des Pays-Bas, soit en sa qualité de Grand Duc de Luxembourg, soit pour être réunis à la Hollande, les territoires dont les limites sont indiqués ci-dessous :

1°. *Sur la rive droite de la Meuse* : aux anciennes enclaves Hollandaises sur la dite rive dans la province de Limbourg, seront joints les districts de cette même province sur cette même rive, qui n'appartenaient pas aux Etats Généraux en 1790, de façon que la partie de la province actuelle de Limbourg située sur la rive droite de la Meuse, et comprise entre ce fleuve à l'ouest, la frontière du territoire Prussien à l'est, la frontière actuelle de la province de Liège au midi, et la Gueldre Hollandaise au nord, appartiendra désormais toute entière à Sa Majesté le Roi des Pays-Bas, soit en sa qualité de Grand Duc de Luxembourg, soit pour être réunie à la Hollande.

2°. *Sur la rive gauche de la Meuse* : à partir du point le plus méridional de la province Hollandaise du Brabant Septentrional, il sera tiré, d'après la carte ci-jointe, une ligne qui aboutira à la Meuse au dessous de *Wessem*, entre cet endroit et *Stevenswaardt*, au point où se touchent, sur la rive gauche de la Meuse, les frontières des arrondissemens actuels de *Ruremonde* et de *Maestricht*, de manière que *Bergerot*, *Stamproy*, *Neer Itteren*, *Itterwood*, et *Thorne*, avec leurs banlieues, ainsi que tous les autres endroits situés au nord de cette ligne, feront partie du territoire Hollandais.

Les anciennes enclaves Hollandaises dans la province de Limbourg sur la rive gauche de la Meuse, appartiendront à la Belgique, à l'exception de la ville de *Maestricht*, laquelle, avec un rayon de territoire de douze cent toises à partir du glacis extérieur de la place sur la dite rive de ce fleuve, continuera d'être possédée en toute souveraineté et propriété par Sa Majesté le Roi des Pays-Bas.

ARTICLE V.

Il sera réservé à Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, de s'entendre avec la Confédération Germanique et les agnats de la maison de Nassau, sur l'application des stipulations renfermées dans les Articles III et IV, ainsi que sur tous les arrangemens que les dits Articles pourraient rendre nécessaires, soit avec les agnats ci-dessus nommés de la maison de Nassau, soit avec la Confédération Germanique.

ARTICLE VI.

Moyennant les arrangemens territoriaux arrêtés ci-dessus, chacune des deux parties renonce réciproquement pour jamais à toute prétention sur les territoires, villes, places, et lieux, situés dans les limites des possessions de l'autre partie, telles qu'elles se trouvent décrites dans les Articles I, II, et IV.

Les dites limites seront tracées conformément à ces mêmes Articles, par des commissaires-démarcateurs Belges et Hollandais, qui se réuniront le plutôt possible en la ville de *Maestricht*.

ARTICLE VII.

La Belgique, dans les limites indiquées aux Articles I, II, et IV, formera un Etat indépendant et perpétuellement neutre. Elle sera tenué d'observer cette même neutralité envers tous les autres Etats.

ARTICLE VIII.

L'écoulement des eaux des Flandres sera réglé entre la Hollande et la Belgique d'après les stipulations arrêtées à cet égard dans l'Article VI du Traité définitif, conclu entre Sa Majesté l'Empereur d'Allemagne et les Etats Généraux, le 8 Novembre, 1785 ; et conformément au dit Article, des commissaires nommés de part et d'autre s'entendront sur l'application des dispositions qu'il consacre.

ARTICLE IX.

Les dispositions des Articles 108-117 inclusivement, de l'acte général du Congrès de Vienne, relatives à la libre navigation des fleuves et rivières navigables, seront appliquées aux fleuves et rivières navigables qui séparent ou traversent à la fois le territoire Belge et le territoire Hollandais.

En ce qui concerne spécialement la navigation de l'Escaut, il sera convenu que le pilotage et le balisage, ainsi que la conservation des passes de l'Escaut en aval d'Anvers, seront soumis à une surveillance commune ; que cette surveillance commune sera exercée par des commissaires nommés à cet effet de part et d'autre ; que des droits de pilotage modérés seront fixés d'un commun accord ; et que ces droits seront les mêmes pour le commerce Hollandais et pour le commerce Belge.

Il est également convenu que la navigation des eaux intermédiaires entre l'Escaut et le Rhin, pour arriver d'Anvers au Rhin, et *vice versa*, restera réciproquement libre, et qu'elle ne sera assujettie qu'à des péages modérés, qui seront provisoirement les mêmes pour le commerce des deux pays.

Des commissaires se réuniront de part et d'autre à Anvers dans le délai d'un mois, tant pour arrêter le montant définitif et permanent de ces péages, qu'afin de convenir d'un règlement général pour l'exécution des dispositions du présent Article, et d'y comprendre l'exercice du droit de pêche et de commerce de pêcheerie dans toute l'étendue de l'Escaut, sur le pied d'une parfaite réciprocité en faveur des sujets des deux pays.

En attendant, et jusqu'à ce que le dit règlement soit arrêté, la navigation des fleuves et rivières navigables ci-dessus mentionnés restera libre au commerce des deux pays, qui adopteront provisoirement à cet égard les tarifs de la Convention signée le 31 Mars 1831, à Mayence, pour la libre navigation du Rhin, ainsi que les autres dispositions de cette Convention, en autant qu'elles pourront s'appliquer aux fleuves et rivières navigables, qui séparent et traversent à la fois le territoire Hollandais et le territoire Belge.

ARTICLE X.

L'usage des canaux qui traversent à la fois les deux pays, continuera d'être libre et commun à leurs habitants. Il est entendu qu'ils en jouiront réciproquement et aux mêmes conditions, et que de part et d'autre, il ne sera perçu sur la navigation des canaux que des droits modérés.

ARTICLE XI.

Les communications commerciales par la ville de Maestricht, et par celle de Sittard, resteront entièrement libres, et ne pourront être entravées sous aucun prétexte.

L'usage des routes, qui, en traversant ces deux villes, conduisent aux frontières de l'Allemagne, ne sera assujetti qu'au paiement de droits de barrière modérés pour l'entretien de ces routes, de telle sorte que le commerce de transit n'y puisse éprouver aucun obstacle, et que moyennant les droits ci-dessus mentionnés, ces routes soient entretenues en bon état et propres à faciliter ce commerce.

ARTICLE XII.

Dans le cas où il aurait été construit en Belgique une nouvelle route, ou creusé un nouveau canal, qui aboutirait à la Meuse vis-à-vis le canton Hollandais de

de Sittard, alors il serait loisible à la Belgique de demander à la Hollande, qui ne s'y refuserait pas dans cette supposition, que la dite route ou le dit canal fussent prolongés d'après le même plan, entièrement aux frais et dépens de la Belgique, par le canton de Sittard jusqu'aux frontières de l'Allemagne. Cette route, ou ce canal, qui ne pourraient servir que de communication commerciale, seraient construits, au choix de la Hollande, soit par des ingénieurs et ouvriers que la Belgique obtiendrait l'autorisation d'employer à cet effet dans le canton de Sittard, soit par des ingénieurs et ouvriers que la Hollande fournirait, et qui exécuteraient, aux frais de la Belgique, les travaux convenus, le tout sans charge aucune pour la Hollande, et sans préjudice de ses droits de souveraineté exclusifs sur le territoire que traverserait la route ou le canal en question.

Les deux parties fixeraient d'un commun accord le montant et le mode de perception des droits et péages qui seraient prélevés sur cette même route ou canal.

ARTICLE XIII.

§ 1. A partir du 1^{er} Janvier, 1832, la Belgique, du chef du partage des dettes publiques du Royaume Uni des Pays-Bas, restera chargée d'une somme de huit millions quatre cent mille florins des Pays-Bas de rentes annuelles, dont les capitaux seront transférés du débet du Grand Livre à Amsterdam, ou du débet du trésor général du Royaume Uni des Pays-Bas, sur le débet du Grand Livre de la Belgique.

§ 2. Les capitaux transférés et les rentes inscrites sur le débet du Grand Livre de la Belgique par suite du paragraphe précédent, jusqu'à la concurrence de la somme totale de huit millions quatre cent mille florins des Pays-Bas de rentes annuelles, seront considérés comme faisant partie de la dette nationale Belge, et la Belgique s'engage à n'admettre, ni pour le présent, ni pour l'avenir, aucune distinction entre cette portion de sa dette publique provenant de sa réunion avec la Hollande, et toute autre dette nationale Belge déjà créée ou à créer.

§ 3. L'acquittement de la somme de rentes annuelles ci-dessus mentionnée de huit millions quatre cent mille florins des Pays-Bas, aura lieu régulièrement de semestre en semestre, soit à Bruxelles soit à Anvers, en argent comptant, sans déduction aucune de quelque nature que ce puisse être, ni pour le présent ni pour l'avenir.

§ 4. Moyennant la création de la dite somme de rentes annuelles de huit millions quatre cent mille florins, la Belgique se trouvera déchargée envers la Hollande, de toute obligation du chef du partage des dettes publiques du Royaume Uni des Pays-Bas.

§ 5. Des commissaires nommés de part et d'autre se réuniront dans le délai de quinze jours en la ville d'Utrecht, afin de procéder à la liquidation du fonds du syndicat d'amortissement et de la banque de Bruxelles, chargés du service du trésor général du Royaume Uni des Pays-Bas. Il ne pourra résulter de cette liquidation aucune charge nouvelle pour la Belgique, la somme de huit millions quatre cent mille florins de rentes annuelles comprenant le total de ses passifs. Mais s'il découlait un actif de la dite liquidation, la Belgique et la Hollande le partageront dans la proportion des impôts acquittés par chacun des deux pays pendant leur réunion, d'après les budgets consentis par les Etats Généraux du Royaume Uni de Pays-Bas.

§ 6. Dans la liquidation du syndicat d'amortissement, seront comprises les créances sur les domaines, dites *Domein los renten*. Elles ne sont citées dans le présent Article que pour mémoire.

§ 7. Les commissaires Hollandais et Belges mentionnés au § 3, du présent Article, et qui doivent se réunir en la ville d'Utrecht, procéderont, outre la liquidation dont ils sont chargés, au transfert des capitaux et rentes qui, du chef du partage des dettes publiques du Royaume Uni des Pays-Bas, doivent retomber à la charge de la Belgique, jusqu'à la concurrence de huit millions quatre cent mille florins de rentes annuelles.

Ils procéderont aussi à l'extradition des archives, cartes, plans, et documens quelconques appartenant à la Belgique, ou concernant son administration.

ARTICLE XIV.

La Hollande ayant fait exclusivement depuis le 1^{er} Novembre, 1830, toutes les avances nécessaires au service de la totalité des dettes publiques du Royaume des Pays-Bas, et devant les faire encore pour le semestre échéant au 1^{er} Janvier, 1832, il est convenu que les dites avances, calculées depuis le 1^{er} Novembre, 1830, jusqu'au 1^{er} Janvier, 1832, pour quatorze mois, au prorata de la somme de huit millions quatre cent mille florins des Pays-Bas de rentes annuelles, dont la Belgique reste chargée, seront remboursées par tiers au trésor Hollandais par le trésor Belge. Le premier tiers de ce remboursement sera acquitté par le trésor Belge au trésor Hollandais le 1^{er} Janvier, 1832, le seconde le 1^{er} Avril, et le troisième le 1^{er} Juillet de la même année ; sur ces deux derniers tiers il sera bonifié à la Hollande un intérêt calculé à raison de cinq pour cent par an, jusqu'à parfait acquittement aux susdites échéances.

ARTICLE XV.

Le port d'Anvers, conformément aux stipulations de l'Article 15 du Traité de Paris de 30 Mai, 1814, continuera d'être uniquement un port de commerce.

ARTICLE XVI.

Les ouvrages d'utilité publique ou particulière, tels que canaux, routes, ou autres de semblable nature, construits en tout ou en partie aux frais du Royaume Uni des Pays-Bas, appartiendront, avec les avantages et les charges qui y sont attachés, au pays où ils sont situés.

Il reste entendu que les capitaux empruntés pour la construction de ces ouvrages, et qui y sont spécialement affectés, seront compris dans les dites charges pour autant qu'ils ne sont pas encore remboursés, et sans que les remboursements déjà effectués puissent donner lieu à liquidation.

ARTICLE XVII.

Les séquestres qui auraient été mis en Belgique, pendant les troubles, pour cause politique, sur des biens et domaines patrimoniaux quelconques, seront levés sans nul retard, et la jouissance des biens et domaines susdits sera immédiatement rendue aux légitimes propriétaires.

ARTICLE XVIII.

Dans les deux pays dont la séparation a lieu en conséquence des présents Articles, les habitans et propriétaires, s'ils veulent transférer leur domicile d'un pays à l'autre, auront la liberté de disposer pendant deux ans de leurs propriétés meubles ou immeubles, de quelque nature qu'elles soient, de les vendre, et d'emporter le produit de ces ventes, soit en numéraire, soit en autres valeurs, sans empêchement ou acquittement de droits autres que ceux qui sont aujourd'hui en vigueur dans les deux pays pour les mutations et transferts.

Il est entendu que renonciation est faite pour le présent et pour l'avenir à la perception de tout droit d'aubaine et de détraction sur les personnes et sur les biens des Hollandais en Belgique, et des Belges en Hollande.

ARTICLE XIX.

Le qualité de sujet mixte, quant à la propriété, sera reconnue et maintenue.

ARTICLE XX.

Les dispositions des Articles 11 jusqu'à 21 inclusivement du Traité conclu entre l'Autriche et la Russie le 3 Mai, 1813, qui fait partie intégrante de l'act général

général du Congrès de Vienne, dispositions relatives aux propriétaires mixtes, à l'élection de domicile qu'ils sont tenus de faire, aux droits qu'ils exerceront comme sujets de l'un ou de l'autre état, et aux rapports de voisinage dans les propriétés coupées par les frontières, seront appliquées aux propriétaires ainsi qu'aux propriétés qui, en Hollande, dans le Grand Duché de Luxembourg, ou en Belgique, se trouveront dans les cas prévus par les susdites dispositions des actes du Congrès de Vienne. Les droits d'aubaine et de détraction étant abolis dès à présent entre la Hollande, le Grand Duché de Luxembourg, et la Belgique, il est entendu que, parmi les dispositions ci-dessus mentionnées, celles qui se rapporteraient aux droits d'aubaine et de détraction seront censées nulles et sans effet dans les trois pays.

ARTICLE XXI.

Personne dans les pays qui changent de domination, ne pourra être recherché ni inquiété en aucune manière, pour cause quelconque de participation directe ou indirecte aux événemens politiques.

ARTICLE XXII.

Les pensions et traitemens d'attente, de non-activité, et de réforme, seront acquittés à l'avenir de part et d'autre, à tous les titulaires, tant civils que militaires, qui y ont droit conformément aux loix en vigueur avant le 1^{er} Novembre, 1830.

Il est convenu que les pensions et traitemens susdits des titulaires nés sur les territoires que constituent aujourd'hui la Belgique, resteront à la charge du trésor Belge, et les pensions et traitemens des titulaires nés sur les territoires qui constituent aujourd'hui la Hollande, à celle du trésor Hollandais.

ARTICLE XXIII.

Toutes les réclamations des sujets Belges sur des établissemens particuliers, tels que fonds de veuves, et fonds connus sous la dénomination de fonds des *leges*, et de la caisse des rétraites civiles et militaires, seront examinées par la commission mixte de liquidation, dont il est question dans l'Article XIII, et résolues d'après la teneur des réglemens qui régissent ces fonds ou caisses.

Les cautionnemens fournis, ainsi que les versements faits par les comptables Belges, les dépôts judiciaires, et les consignations, seront également restitués aux titulaires sur la présentation de leurs titres.

Si du chef des liquidations dites *Françaises*, des sujets Belges avaient encore à faire valoir des droits d'inscription, ces réclamations seront également examinées et liquidées par la dite commission.

ARTICLE XXIV.

Aussitôt après l'échange des ratifications du Traité à intervenir entre les deux parties, les ordres nécessaires seront envoyés aux commandans des troupes respectives, pour l'évacuation des territoires, villes, places, et lieux qui changent de domination. Les autorités civiles y recevront aussi, en même tems, les ordres nécessaires pour la remise de ces territoires, villes, places, et lieux, aux Commissaires qui seront désignés, à cet effet, de part et d'autre.

Cette évacuation et cette remise s'effectueront de manière à pouvoir être terminées dans l'espace de quinze jours, ou plutôt si faire se peut.

ARTICLE XXV.

Les Cours de la Grande Bretagne, d'Autriche, de France, de Prusse, et de Russie, garantissent à Sa Majesté le Roi des Belges l'exécution de tous les Articles qui précèdent.

ARTICLE XXVI.

A la suite des stipulations du présent Traité, il y aura Paix et Amitié entre leurs Majestés le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur d'Autriche, le Roi des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, d'une part, et Sa Majesté le Roi des Belges, de l'autre part, leurs Héritiers et Successeurs, leurs états et sujets respectifs, à perpétuité.

ARTICLE XXVII.

Le présent Traité sera ratifié, et les Ratifications en seront échangées à Londres dans le terme de deux mois, ou plutôt si faire se peut.

En Foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Londres, le quinze de Novembre, l'An de Grace mil-huit cent trente et un.

(Signé) (L.S.) PALMERSTON. (L.S.) SYLVAIN VAN DE WEYER.
 (L.S.) ESTERHAZY.
 (L.S.) WESSENBERG.
 (L.S.) TALLEYRAND.
 (L.S.) BULOW.
 (L.S.) LIEVEN.
 (L.S.) MATUSZEWIC.

(Translation.)

THE Courts of Great Britain, Austria, France, Prussia, and Russia, taking into consideration the events which have occurred in the United Kingdom of the Netherlands since the month of September of the year 1830, the obligation which they are under to prevent these events from disturbing the general peace, and the necessity which arises from these events of making certain modifications in the transactions of the year 1815, by which the United Kingdom of the Netherlands was created and established; and His Majesty the present King of the Belgians participating in these intentions of the above-mentioned Courts, they have named for their Plenipotentiaries viz. :—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of His Britannick Majesty's Most Honourable Privy Council, a Member of Parliament, and His Principal Secretary of State for Foreign Affairs :—

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Prince Paul Esterhazy, Knight of the Golden Fleece, Grand Cross of the Royal Order of St. Stephen, of the Order of the Guelphs, of St. Ferdinand of Sicily, and of that of Christ of Portugal, Chamberlain and Privy Councillor of His Imperial and Royal Apostolick Majesty, and His Ambassador Extraordinary and Plenipotentiary to His Britannick Majesty ;— And the Sieur John Philip Baron de Wessenberg, Grand Cross of the Royal Order of St. Stephen, of the Military and Religious Order of St. Maurice and St. Lazarus, of the Order of the Red Eagle of Prussia, of that of the Crown of Bavaria, Chamberlain, Privy Councillor of His Imperial and Royal Apostolick Majesty :—

His Majesty the King of the French, the Sieur Charles Maurice de Talleyrand-Perigord, Prince-Duke de Talleyrand, Peer of France, His said Majesty's Ambassador Extraordinary and Minister Plenipotentiary to His Britannick Majesty,

Majesty, Grand Cross of the Legion of Honour, Knight of the Order of the Golden Fleece, Grand Cross of the Order of St. Stephen of Hungary, of the Order of St. Andrew, of the Order of the Black Eagle, &c. &c.

His Majesty, the King of Prussia, the Sieur Henry William Baron de Bülow, His Chamberlain, Privy Councillor of Legation, Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty, and Knight of several Orders :—

His Majesty the Emperor of all the Russias, the Sieur Chistopher Prince of Lieven, General of Infantry in His Armies, His Aide-de-Camp General, Ambassador Extraordinary and Plenipotentiary to His Britannick Majesty, Knight of the Orders of Russia, Grand Cross of the Black Eagle and of the Red Eagle of Prussia, of the Royal Order of the Guelphs, Commander Grand Cross of the Sword of Sweden, and Commander of the Order of St. John of Jerusalem ;—And the Sieur Adam, Count Matuszewic, Privy Councillor of His said Majesty, Knight of the Order of St. Anne of the first Class, Grand Cross of the Order of St. Wladimir of the second, Grand Cross of the Order of the Red Eagle of Prussia of the first, Commander of the Order of Leopold of Austria, and of several other Foreign Orders :—

And His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, His Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty :—

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following Articles :—

ARTICLE I.

The Belgian territory shall be composed of the provinces of

South Brabant,
Liege,
Namur,
Hainault,
West Flanders,
East Flanders,
Antwerp, and
Limbourg ;

such as they formed part of the United Kingdom of the Netherlands constituted in 1815, with the exception of those districts of the province of Limbourg which are designated in Article IV.

The Belgian territory shall, moreover, comprize that part of the Grand Duchy of Luxembourg which is specified in Article II.

ARTICLE II.

In the Grand Duchy of Luxembourg, the limits of the Belgian territory shall be such as will be hereinafter described, viz. :

Commencing from the frontier of France between *Rodange*, which shall remain to the Grand Duchy of Luxembourg, and *Athus*, which shall belong to Belgium, there shall be drawn, according to the annexed map, a line which, leaving to Belgium the road from *Arlon* to *Longwy*, the town of *Arlon* with its district, and the road from *Arlon* to *Bastogne*, shall pass between *Mesancy*, which shall be on the Belgian territory; and *Clémancy*, which shall remain to the Grand Duchy of Luxembourg, terminating at *Steinfort*, which place shall also remain to the Grand Duchy. From *Steinfort* this line shall be continued in the direction of *Eischen*, *Hebus*, *Guirsch*, *Oberpalen*, *Grende*, *Nothomb*, *Parette*, and *Perlé*, as far as *Martelange*: *Hebus*, *Guirsch*, *Grende*, *Nothomb*, and *Parette*, being to belong to Belgium, and *Eischen*, *Oberpalen*, *Perlé*, and *Martelange*, to the Grand Duchy. From *Martelange* the said line shall follow the course of the *Sure*, the water way (*thalweg*) of which river shall serve as the limit between the

the two States, as far as opposite to *Tintange*, from whence it shall be continued, as directly as possible, towards the present frontier of the *Arrondissement* of *Diekirch*, and shall pass between *Surret*, *Harlange*, and *Tarchamps*, which places shall be left to the Grand Duchy of Luxembourg, and *Honville*, *Livarchamp*, and *Loutremange*, which places shall form part of the Belgian territory. Then having, in the vicinity of *Doncols* and *Soulez*, which shall remain to the Grand Duchy, reached the present boundary of the *Arrondissement* of *Diekirch*, the line in question shall follow the said boundary to the frontier of the Prussian territory. All the territories, towns, fortresses, and places situated to the west of this line, shall belong to Belgium, and all the territories, towns, fortresses, and places situated to the east of the said line, shall continue to belong to the Grand Duchy of Luxembourg.

It is understood, that in marking out this line, and in conforming as closely as possible to the description of it given above, as well as to the delineation of it on the map, which, for the sake of greater clearness, is annexed to the present Article, the Commissioners of demarcation, mentioned in Article V, shall pay due attention to the localities, as well as to the mutual necessity for accomodation which may result therefrom.

ARTICLE III.

In return for the cessions made in the preceding Article, there shall be assigned to His Majesty the King of the Netherlands, Grand Duke of Luxembourg, a territorial indemnity in the province of Limbourg.

ARTICLE IV.

In execution of that part of Article I, which relates to the province of Limbourg, and in consequence of the cessions specified in Article II, there shall be assigned to His Majesty the King of the Netherlands, either to be held by him in his character of Grand Duke of Luxembourg, or for the purpose of being united to Holland, those territories, the limits of which are hereinafter described.

1^o *On the right bank of the Meuse*: to the old Dutch *enclaves* upon the said bank in the province of Limbourg, shall be united those districts of the said province upon the same bank, which did not belong to the States General in 1790; in such wise that the whole of that part of the present province of Limbourg, situated upon the right bank of the Meuse, and comprised between that river on the west, the frontier of the Prussian territory on the east, the present frontier of the province of Liege on the south, and Dutch Guelderland on the north, shall henceforth belong to His Majesty the King of the Netherlands, either to be held by him in his character of Grand Duke of Luxembourg, or in order to be united to Holland.

2^o *On the left bank of the Meuse*: commencing from the southernmost point of the Dutch province of North Brabant, there shall be drawn, according to the annexed map, a line which shall terminate on the Meuse below *Wessem*, between that place and *Stevenswaardt*, at the point where the frontiers of the present *Arrondissement* of *Ruremond* and *Maestricht* meet, on the left bank of the Meuse; in such manner that *Bergerot*, *Stamproy*, *Neer Itteren*, *Ittervoord*, and *Thorne*, with their districts, as well as all the other places situated to the north of this line, shall form part of the Dutch territory.

The old Dutch *enclaves* in the province of Limbourg, upon the left bank of the Meuse, shall belong to Belgium, with the exception of the town of *Maestricht*, which, together with a radius of territory, extending twelve hundred *toises* from the outer glacis of the fortress on the said bank of this river, shall continue to be possessed in full sovereignty and property by His Majesty the King of the Netherlands.

ARTICLE V.

It shall be reserved to His Majesty the King of the Netherlands, Grand Duke of Luxembourg, to come to an agreement with the Germanick Confederation, and with the Agnates of the House of Nassau, as to the application of the stipulations contained in Articles III and IV, as well as upon all the arrangements which the said Articles may render necessary, either with the above-mentioned Agnates of the House of Nassau, or with the Germanick Confederation.

ARTICLE VI.

In consideration of the territorial arrangements above stated, each of the two parties renounces reciprocally, and for ever, all pretension to the territories, towns, fortresses, and places situated within the limits of the possessions of the other party, such as those limits are described in Articles I, II, and IV.

The said limits shall be marked out in conformity with those Articles, by Belgian and Dutch Commissioners of demarcation, who shall meet as soon as possible in the town of Maestricht.

ARTICLE VII.

Belgium, within the limits specified in Articles I, II, and IV, shall form an independent and perpetually neutral State. It shall be bound to observe such neutrality towards all other States.

ARTICLE VIII.

The drainage of the waters of the two Flanders shall be regulated between Holland and Belgium, according to the stipulations on this subject, contained in Article VI of the definitive Treaty, concluded between His Majesty the Emperor of Germany and the States General, on the 8th of November 1785; and in conformity with the said Article, Commissioners, to be named on either side, shall make arrangements for the application of the provisions contained in it.

ARTICLE IX.

The provisions of Articles 108 to 117 inclusive, of the General Act of the Congress of Vienna, relative to the free navigation of navigable rivers, shall be applied to those navigable rivers which separate the Belgian and the Dutch territories, or which traverse them both.

So far as regards specially the navigation of the Scheldt, it shall be agreed that the pilotage and the buoying of its channel, as well as the conservation of the channels of the Scheldt below Antwerp, shall be subject to a joint superintendence; that this joint superintendence shall be exercised by Commissioners, to be appointed on both sides for this purpose; that moderate pilotage dues shall be fixed by mutual agreement; and that such dues shall be the same for the Dutch as for the Belgian commerce.

It is also agreed that the navigation of the intermediate channels between the Scheldt and the Rhine, in order to proceed from Antwerp to the Rhine, and *vice versa*, shall continue reciprocally free, and that it shall be subject only to moderate tolls, which shall provisionally be the same for the commerce of the two countries.

Commissioners on both sides shall meet at Antwerp in the space of one month, as well to determine the definitive and permanent amount of these tolls, as to agree upon a general regulation for the execution of the provisions of the present Article, and to include therein a provision for the exercise of

the right of fishing and of trading in fish, throughout the whole extent of the Scheldt, on a footing of perfect reciprocity in favour of the subjects of the two countries.

In the mean time, and until the said regulations shall be prepared, the navigation of the navigable rivers above mentioned shall remain free to the commerce of the two countries, which shall adopt provisionally, in this respect, the tariffs of the Convention signed at Mayence on the 31st March 1831, for the free navigation of the Rhine, as well as the other provisions of that Convention, so far as they may be applicable to those navigable rivers which divide the Dutch and Belgian territories, or traverse both.

ARTICLE X.

The use of the canals which traverse both countries shall continue to be free and common to the inhabitants of both. It is understood that they shall enjoy the use of the same reciprocally, and on equal conditions, and that on either side moderate duties only shall be levied upon the navigation of these canals.

ARTICLE XI.

The commercial communications through the town of Maestricht, and through Sittardt, shall remain entirely free, and shall not be impeded under any pretext whatsoever.

The use of the roads which, passing through these towns, lead to the frontiers of Germany, shall be subject only to the payment of moderate turnpike tolls, for the repair of the said roads, so that the transit commerce may not experience any obstacle thereby, and that by means of the tolls above mentioned these roads may be kept in good repair, and fit to afford facilities to that commerce.

ARTICLE XII.

In the event of a new road having been constructed, or a new canal cut, in Belgium, terminating at the Meuse, opposite the Dutch canton of Sittardt, in that case, Belgium shall be entitled to demand of Holland, who, on the other hand, shall not in such case refuse her consent, that the said road, or the said canal, shall be continued, according to the same plan, and entirely at the cost and charge of Belgium, through the canton of Sittardt, to the frontiers of Germany. This road or canal, which shall be used only as a commercial communication, shall be constructed, at the option of Holland, either by engineers and workmen whom Belgium shall obtain permission to employ for that purpose in the canton of Sittardt, or by engineers and workmen to be furnished by Holland, and who shall execute the works agreed upon at the expense of Belgium; the whole without any charge whatsoever to Holland, and without prejudice to her exclusive rights of sovereignty over the territory which may be traversed by the road or canal in question.

The two parties shall fix, by mutual agreement, the amount and the mode of collection of the duties and tolls which should be levied upon the said road or canal.

ARTICLE XIII.

§ 1. From and after the 1st of January 1832, Belgium, with reference to the division of the publick debt of the United Kingdom of the Netherlands, shall remain charged with the sum of 8,400,000 Netherland florins of annual interest, the capital of which shall be transferred from the debit of the Great Book at Amsterdam, or from the debit of the general Treasury of the United Kingdom of the Netherlands, to the debit of the Great Book of Belgium.

§ 2. The capitals transferred, and the annuities inscribed upon the debit of the Great Book of Belgium, in consequence of the preceding paragraph, to the

the amount of the total sum of 8,400,000 Netherland florins of annual interest, shall be considered as forming part of the Belgick National Debt; and Belgium engages not to admit, either at present or in future, any distinction between this portion of her publick debt arising from her union with Holland, and any other Belgick national debt already created, or which may be created hereafter.

§ 3. The payment of the above-mentioned sum of 8,400,000 Netherland florins of annual interest, shall take place regularly every six months, either at Brussels or at Antwerp, in ready money, without deduction of any kind whatsoever, either at present or in future.

§ 4. In consideration of the creation of the said sum of 8,400,000 florins of annual interest, Belgium shall be released from all obligation towards Holland, on account of the division of the publick debt of the United Kingdom of the Netherlands.

§ 5. Commissioners to be named on both sides, shall meet within the space of fifteen days in the town of Utrecht, in order to proceed to a settlement of the accounts of the fund of the *syndicat d'amortissement*, and of the Bank of Brussels, charged with the service of the general Treasury of the United Kingdom of the Netherlands. No additional charge shall result to Belgium from this settlement; the sum of 8,400,000 florins of annuities comprehending the whole of the charge which she is to take upon herself. But if it should appear from such settlement, that there is a balance to be received, Belgium and Holland shall share the same in the proportion of the taxes paid by each of the two countries during their union, according to the budgets voted by the States General of the United Kingdom of the Netherlands.

§ 6. In the settlement of the administration of the sinking fund, shall be comprised the credits secured on the publick lands, called *Domein los renten*. These are alluded to in the present Article only for the purpose of record.

§ 7. The Dutch and Belgian Commissioners mentioned in § 3 of the present Article, and who are to meet in the town of Utrecht, shall, in addition to the settlement with which they are charged, proceed to the transfer of the capitals and annual interest which, upon the division of the publick debt of the United Kingdom of the Netherlands, are to fall to the charge of Belgium, up to the amount of 8,400,000 florins of annual interest.

They shall also proceed to deliver up the archives, maps, plans, and other documents whatsoever which belong to Belgium, or which relate to her administration.

ARTICLE XIV.

Holland having, since the 1st of November 1830, exclusively made all the necessary advances to meet the charge of the whole of the publick debt of the Kingdom of the Netherlands, and having still to make those advances, for the half year ending the 1st of January 1832, it is agreed that the said advances, calculated from the 1st of November 1830 to the 1st of January 1832, for fourteen months, at the rate of 8,400,000 Netherland florins per annum, with which Belgium remains charged, shall be reimbursed by thirds to the Dutch Treasury, by the Treasury of Belgium. The first third of this reimbursement shall be paid by the Belgian to the Dutch Treasury on the 1st of January 1832, the second on the 1st of April, and the third on the 1st of July, of the same year. On the two last thirds, interest at the rate of five per cent. per annum shall be paid to Holland, until they are completely discharged at the aforesaid periods.

ARTICLE XV.

The port of Antwerp, in conformity with the stipulations of the 15th Article of the Treaty of Paris, of the 30th of May 1814, shall continue to be solely a port of commerce.

ARTICLE XVI.

Works of publick or private utility, such as canals, roads, or others of a similar nature, constructed wholly or in part at the expense of the United Kingdom of the Netherlands, shall belong, together with the advantages and charges thereunto attached, to the country in which they are situated.

It is understood that the capitals borrowed for the construction of these works, and specifically charged thereupon, shall be comprised in the aforesaid charges, in so far as they may not yet have been repaid, and without giving rise to any claim on account of re-payments already made.

ARTICLE XVII.

The sequestrations which may have been imposed in Belgium, during the troubles, for political causes, on any property or hereditary estates whatsoever, shall be taken off without delay, and the enjoyment of the property and estates above mentioned shall be immediately restored to the lawful owners thereof.

ARTICLE XVIII.

In the two countries of which the separation takes place in consequence of the present Articles, inhabitants and proprietors, if they wish to transfer their residence from one country to the other, shall, during two years, be at liberty to dispose of their property, moveable or immoveable, of whatever nature the same may be, to sell it, and to carry away the produce of the sale, either in money or in any other shape, without hindrance, and without the payment of any duties other than those which are now in force in the two countries upon changes and transfers.

It is understood that the collection of the *droit d'aubaine et de détraction* upon the persons and property of Dutch in Belgium, and of Belgians in Holland, is abandoned, both now and for the future.

ARTICLE XIX.

The character of a subject of the two Governments, with regard to property, shall be acknowledged and maintained.

ARTICLE XX.

The stipulations of Articles from 11 to 21, inclusive, of the Treaty concluded between Austria and Russia, on the 3rd May 1815, which forms an integral part of the general Act of the Congress of Vienna, stipulations relative to persons who possess property in both countries, to the election of residence which they are required to make, to the rights which they shall exercise as subjects of either State, and to the relations of neighbourhood in properties cut by the frontiers, shall be applied to such proprietors, as well as to such properties, in Holland, in the Grand Duchy of Luxembourg, or in Belgium, as shall be found to come within the cases provided for by the aforesaid stipulations of the Acts of the Congress of Vienna. The *droits d'aubaine et de détraction*, being henceforth abolished, as between Holland, the Grand Duchy of Luxembourg, and Belgium, it is understood that such of the above-mentioned stipulations as may relate to those duties, shall be considered null and void in the three countries.

ARTICLE XXI.

No person in the territories which change domination shall be molested or disturbed in any manner whatever, on account of any part which he may have taken, directly or indirectly, in political events.

ARTICLE XXII.

The pensions and allowances of expectants, of persons unemployed or retired, shall in future be paid, on either side, to all those individuals entitled thereto, both civil and military, conformably to the laws in force previous to the 1st November 1830.

It is agreed that the above-mentioned pensions and allowances to persons born in the territories which now constitute Belgium, shall remain at the charge of the Belgian Treasury; and the pensions and allowances of persons born in the territories which now constitute Holland, shall be at the charge of the Dutch Treasury.

ARTICLE XXIII.

All claims of Belgian subjects upon any private establishments, such as the widows' fund, and the fund known under the denomination of the *fonds des leges*, and of the chest of civil and military retired allowances, shall be examined by the Mixed Commission of Liquidation mentioned in Article XIII., and shall be determined according to the tenour of the regulations by which these funds or chests are governed.

The securities furnished, as well as the payments made, by Belgian accountants, the judicial deposits and consignments, shall equally be restored to the parties entitled thereto, on the presentation of their proofs.

If, under the head of what are called *the French* liquidations, any Belgian subjects should still be able to bring forward claims to be inscribed, such claims shall also be examined and settled by the said Commission.

ARTICLE XXIV.

Immediately after the exchange of the Ratifications of the Treaty to be concluded between the two parties, the necessary orders shall be transmitted to the Commanders of the respective troops, for the evacuation of the territories, towns, fortresses, and places which change domination. The civil authorities thereof shall also, at the same time, receive the necessary orders for delivering over the said territories, towns, fortresses, and places, to the Commissioners who shall be appointed by both parties for this purpose.

This evacuation and delivery shall be effected so as to be completed in the space of 15 days, or sooner if possible.

ARTICLE XXV.

The Courts of Great Britain, Austria, France, Prussia, and Russia, guarantee to His Majesty the King of the Belgians the execution of all the preceding Articles.

ARTICLE XXVI.

In consequence of the stipulations of the present Treaty, there shall be peace and friendship between their Majesties the King of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the King of the French, the King of Prussia, and the Emperor of all the Russias, on the one part, and His Majesty the King of the Belgians, on the other part, their heirs and successors, their respective states and subjects, for ever.

ARTICLE XXVII.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London, in the space of two months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at London, the Fifteenth day of November, in the year of our Lord One thousand eight hundred and thirty-one.

(Signed)	(L.S.) PALMERSTON.	(L.S.) SYLVAIN VAN DE WEYER.
	(L.S.) ESTERHAZY.	
	(L.S.) WESSENBERG.	
	(L.S.) TALLEYRAND.	
	(L.S.) BULOW.	
	(L.S.) LIEVEN.	
	(L.S.) MATUSZEWIC.	

TREATIES

RELATIVE TO

THE NETHERLANDS AND BELGIUM.

Signed at London, April 19, 1839.

1. *Treaty between Great Britain, Austria, France, Prussia, and Russia, on the one part, and The Netherlands, on the other.*

Au Nom de la Très Sainte et Indivisible Trinité.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Français, Sa Majesté le Roi de Prusse, et Sa Majesté l'Empereur de toutes les Russies, ayant pris en considération leur Traité conclu avec Sa Majesté le Roi des Belges le 15 Novembre, 1831 ; et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, étant disposé à conclure un arrangement définitif sur la base des 24 Articles arrêtés par les Plénipotentiaires de la Grande Bretagne, d'Autriche, de France, de Prusse, et de Russie, le 14 Octobre, 1831 ; Leurs dites Majestés ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Jean Vicomte Palmerston, Baron Temple, Pair d'Irlande, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Membre du Parlement, et Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères ;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Frédéric Chrétien Louis, Comte de Senfft-Pilsach, Grand-Croix de l'Ordre Impérial de Léopold, et de celui de St. Joseph de Toscane, Grand-Croix décoré du Grand Cordon de l'Ordre des Saints Maurice et Lazare, Chevalier des Ordres de St. Jean de Jérusalem, et de l'Aigle Blanc, Grand-Croix de la Légion d'Honneur, de l'Ordre du Mérite de Saxe, et de celui de St. Stanislas, &c., Chambellan et Conseiller Intime Actuel de Sa Majesté Impériale et Royale Apostolique, et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Pays Bas ;

Sa Majesté le Roi des Français, le Sieur Horace François Bastien, Comte Sébastiani-Porta, Grand-Croix de Son Ordre Royal de la Légion d'Honneur, Grand Cordon des Ordres du Croissant de Turquie, de Léopold de Belgique, de St. Ferdinand de Naples, du Saint Sauveur de Grèce, Chevalier de l'Ordre de la Chambre des Députés de France, Son Ambassadeur Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ;

Sa Majesté le Roi de Prusse, le Sieur Henri Guillaume, Baron de Bülow, Grand-Croix de l'Ordre de l'Aigle Rouge de Prusse de la seconde Classe, Grand-Croix de l'Ordre Royal des Guelphes, Commandeur des Ordres de St. Stanislas de Russie, et du Faucon de Saxe-Weimar, &c., Son Chambellan, Conseiller Intime de Légation, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ;

Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles André, Comte Pozzo di Borgo, Général Infanterie de Ses Armées, Son Aide-de-Camp Général, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie, et de l'Ordre Militaire de St. George de la quatrième Classe, Chevalier de l'Ordre de la Toison d'Or, Grand-Croix de l'Ordre Royal de St. Etienne de Hongrie, de l'Aigle Noir et de l'Aigle Rouge de Prusse, de l'Ordre de la Tour et de l'Epée de Portugal, de l'Ordre de St. Ferdinand de

Naples, de l'Ordre Royal des Guelphes, Commandeur Grand-Croix de l'Ordre du Bain, &c., &c. ;

Et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, le Sieur Salomon Dedel, Commandeur de l'Ordre du Lion Néerlandais, Commandeur de l'Ordre de l'Etoile Polaire de Suède, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique :

Lesquels, après s'être communiqué leurs Pleins Pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

ARTICLE I.

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, s'engage à faire immédiatement convertir en Traité avec Sa Majesté le Roi des Belges, les Articles annexés au présent Acte, et arrêtés d'un commun accord sous les auspices des Cours de la Grande Bretagne, d'Autriche, de France, de Prusse, et de Russie.

ARTICLE II.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Français, Sa Majesté le Roi de Prusse, et Sa Majesté l'Empereur de toutes les Russies, déclarent, que les Articles mentionnés dans l'Article qui précède, sont considérés comme ayant la même force et valeur que s'ils étaient insérés textuellement dans le présent Acte ; et qu'ils se trouvent ainsi placés sous la garantie de Leurs dites Majestés.

ARTICLE III.

L'union qui a existé entre la Hollande et la Belgique, en vertu du Traité de Vienne du 31 Mai, 1815, est reconnu par Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, être dissoute.

ARTICLE IV.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres, dans le délai de six semaines, ou plutôt si faire se peut. L'échange de ces ratifications aura lieu en même tems que celui des ratifications du Traité entre la Hollande et la Belgique.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent Traité, et y ont apposé le cachet de leurs Armes.

Fait à Londres, le dix-neuf Avril, l'an de grâce mil-huit-cent-trente-neuf.

(L.S.) PALMERSTON.

(L.S.) DEDEL.

(L.S.) SENFFT.

(L.S.) H. SEBASTIANI.

(L.S.) BULOW.

(L.S.) POZZO DI BORGO.

Annexe au Traité signé à Londres le 19 Avril, 1839, entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, d'une part, et les Pays Bas, de l'autre part.

ARTICLE I.

Le territoire Belge se composera des provinces de

Brabant Méridional ;
Liège ;
Namur ;
Hainault ;
Flandre Occidentale ;
Flandre Orientale ;
Anvers ; et
Limbourg ;

telles

telles qu'elles ont fait partie du Royaume des Pays Bas constitué en 1815, à l'exception des districts de la province de Limbourg désignés dans l'Article IV.

Le territoire Belge comprendra, en outre, la partie du Grand Duché de Luxembourg indiquée dans l'Article II.

ARTICLE II.

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, consent à ce que dans le Grand Duché de Luxembourg, les limites du territoire Belge soient telles qu'elles vont être décrites ci-dessous :

A partir de la frontière de France entre *Rodange*, qui restera au Grand Duché de Luxembourg, et *Athus*, qui appartiendra à la Belgique, il sera tiré, d'après la carte ci-jointe, une ligne qui, laissant à la Belgique la route d'*Arlon* à *Longuy*, la ville d'*Arlon* avec sa banlieue, et la route d'*Arlon* à *Bastogne*, passera entre *Messancy*, qui sera sur le territoire Belge, et *Clémancy*, qui restera au Grand Duché de Luxembourg, pour aboutir à *Steinfort*, lequel endroit restera également au Grand Duché. De *Steinfort*, cette ligne sera prolongée dans la direction d'*Eischen*, de *Hechbus*, *Guirsch*, *Ober-Pallen*, *Grende*, *Nothomb*, *Parette*, et *Perlé*, jusqu'à *Martelange* ; *Hechbus*, *Guirsch*, *Grende*, *Nothomb*, et *Parette*, devant appartenir à la Belgique, et *Eischen*, *Ober-Pallen*, *Perlé*, et *Martelange* au Grand Duché. De *Martelange* la dite ligne descendra le cours de la *Sure*, dont le *thalweg* servira de limite entre les deux Etats, jusque vis-à-vis *Tintange*, d'ou elle sera prolongée aussi directement que possible vers la frontière actuelle de l'arrondissement de *Diekirch*, et passera entre *Surret*, *Harlange*, *Tarchamps*, qu'elle laissera au Grand Duché de Luxembourg, et *Honville*, *Livarchamps*, et *Loutremange*, qui feront partie du territoire Belge. Atteignant ensuite, aux environs de *Doncols* et de *Soulez*, qui resteront au Grand Duché, la frontière actuelle de l'arrondissement de *Diekirch*, la ligne en question suivra la dite frontière jusqu'à celle du territoire Prussien. Tous les territoires, villes, places, et lieux situés à l'ouest de cette ligne, appartiendront à la Belgique ; et tous les territoires, villes, places, et lieux situés à l'est de cette même ligne, continueront d'appartenir au Grand Duché de Luxembourg.

Il est entendu qu'en traçant cette ligne, et en se conformant autant que possible à la description qui en a été faite ci-dessus, ainsi qu'aux indications de la carte, jointe pour plus de clarté au présent Article, les commissaires-démarcateurs dont il est fait mention dans l'Article VI, auront égard aux localités, ainsi qu'aux convenances qui pourront en résulter mutuellement.

ARTICLE III.

Pour les cessions faites dans l'Article précédent, il sera assigné à Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, une indemnité territoriale dans la province de Limbourg.

ARTICLE IV.

En exécution de la partie de l'Article I, relative à la province de Limbourg, et par suite des cessions que Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, fait dans l'Article II, Sa dite Majesté possèdera, soit en sa qualité de Grand Duc de Luxembourg, soit pour être réunis à la Hollande, les territoires dont les limites sont indiquées ci-dessous :

1°. *Sur la rive droite de la Meuse* : aux anciennes enclaves Hollandaises sur la dite rive dans la province de Limbourg, seront joints les districts de cette même province, sur cette même rive, qui n'appartenaient pas aux Etats Généraux en 1790 ; de façon que la partie de la province actuelle de Limbourg, située sur la rive droite de la Meuse, et comprise entre ce fleuve à l'ouest, la frontière du territoire Prussien à l'est, la frontière actuelle de la province de Liège au midi, et la Gueldre Hollandaise au nord, appartiendra désormais toute entière à Sa Majesté le Roi des Pays Bas, soit en sa qualité de Grand Duc de Luxembourg, soit pour être réunie à la Hollande.

2°. *Sur la rive gauche de la Meuse* : à partir du point le plus méridional de la province Hollandaise du Brabant Septentrional, il sera tiré, d'après la carte

ci-jointe, une ligne qui aboutira à la Meuse, au-dessus de *Wessem*, entre cet endroit et *Stevenswaardt*, au point où se touchent, sur la rive gauche de la Meuse, les frontières des arrondisemens actuels de *Ruremonde* et de *Maestricht*, de manière que *Bergerot*, *Stamproy*, *Neer-Itteren*, *Ittervoordt*, et *Thorn*, avec leurs banlieues, ainsi que tous les autres endroits situés au nord de cette ligne, feront partie du territoire Hollandais.

Les anciennes enclaves Hollandaises dans la province de Limbourg, sur la rive gauche de la Meuse, appartiendront à la Belgique, à l'exception de la ville de *Maestricht*, laquelle, avec un rayon de territoire de douze cent toises, à partir du glacis extérieur de la place sur la dite rive de ce fleuve, continuera d'être possédée en toute souveraineté et propriété par Sa Majesté le Roi des Pays Bas.

ARTICLE V.

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, s'entendra avec la Confédération Germanique et les Agnats de la Maison de Nassau, sur l'application des stipulations renfermés dans les Articles III et IV, ainsi que sur tous les arrangemens que les dits Articles pourraient rendre nécessaires, soit avec les Agnats ci-dessus nommés de la Maison de Nassau, soit avec la Confédération Germanique.

ARTICLE VI.

Moyennant les arrangemens territoriaux arrêtés ci-dessus, chacune des deux Parties renonce réciproquement pour jamais, à tout prétention sur les territoires, villes, places, et lieux situés dans les limites des possessions de l'autre partie, telles qu'elles se trouvent décrites dans les Articles I, II, et IV.

Les dites limites seront tracées conformément à ces mêmes Articles, par des commissaires-démarcateurs Belges et Hollandais, qui se réuniront le plus-tôt possible en la ville de *Maestricht*.

ARTICLE VII.

La Belgique, dans les limites indiquées aux Articles I, II, et IV, formera un Etat indépendant et perpétuellement neutre. Elle sera tenue d'observer cette même neutralité envers tous les autres Etats.

ARTICLE VIII.

L'écoulement des eaux des Flandres sera réglé entre la Hollande et la Belgique, d'après les stipulations arrêtées à cet égard dans l'Article VI du Traité définitif, conclu entre Sa Majesté l'Empereur d'Allemagne et les Etats Généraux, le 8 Novembre, 1785 : et conformément au dit Article, des commissaires nommés de part et d'autre s'entendront sur l'application des dispositions qu'il consacre.

ARTICLE IX.

§ 1. Les dispositions des Articles CVIII jusqu'au CXVII inclusivement, de l'Acte Général du Congrès de Vienne, relatives à la libre navigation des fleuves et rivières navigables, seront appliquées aux fleuves et rivières navigables qui séparent ou traversent à la fois le territoire Belge et le territoire Hollandais.

§ 2. En ce qui concerne spécialement la navigation de l'Escaut et de ses embouchures, il est convenu que le pilotage et le balisage, ainsi que le conservation des passes de l'Escaut en aval d'Anvers, seront soumis à une surveillance commune, et que cette surveillance commune sera exercée par des commissaires nommés à cet effet de part et d'autre. Des droits de pilotage modérés seront fixés d'un commun accord, et ces droits seront les mêmes pour les navires de toutes les nations.

En attendant, et jusqu'à ce que ces droits soient arrêtés, il ne pourra être perçu des droits de pilotage plus élevés que ceux qui ont été établis par le tarif de 1829, pour les bouches de la Meuse, depuis la pleine mer jusqu'à Helvoet, et de Helvoet jusqu'à Rotterdam, en proportion des distances. Il sera au choix de tout navire se rendant de la pleine mer en Belgique, ou de la Belgique en pleine mer, par l'Escaut, de prendre tel pilote qu'il voudra ; et il sera loisible, d'après cela, aux

aux deux pays d'établir dans tout le cours de l'Escaut, et à son embouchure, les services de pilotage qui seront jugés nécessaires pour fournir les pilotes. Tout ce qui est relatif à ces établissemens sera déterminé par le règlement à intervenir conformément au § 6 ci-après. Le service de ces établissemens sera sous la surveillance commune mentionnée au commencement du présent paragraphe. Les deux Gouvernemens s'engagent à conserver les passes navigables de l'Escaut et de ses embouchures, et à y placer et y entretenir les balises et bouées nécessaires, chacun pour sa partie du fleuve.

§ 3. Il sera perçu par le Gouvernement des Pays Bas sur la navigation de l'Escaut et de ses embouchures, un droit unique de florins 1.50 par tonneau, savoir, florins 1.12 pour les navires qui, arrivant de la pleine mer, remonteront l'Escaut occidental pour se rendre en Belgique par l'Escaut ou par le Canal de Terneuze; et de florins 0.38 par tonneau, des navires qui, arrivant de la Belgique par l'Escaut ou par le Canal de Terneuze, descendront l'Escaut occidental pour se rendre dans la pleine mer. Et afin que les dits navires ne puissent être assujettis à aucune visite, ni à aucun retard ou entrave quelconque dans les rades Hollandaises, soit en remontant l'Escaut de la pleine mer, soit en descendant l'Escaut pour se rendre en pleine mer, il est convenu que la perception du droit susmentionné aura lieu par les agens Néerlandais à Anvers et à Terneuze. De même les navires arrivant de la pleine mer pour se rendre à Anvers par l'Escaut occidental, et venant d'endroits suspects sous le rapport sanitaire, auront la faculté de continuer leur route sans entrave ni retard, accompagnés d'un garde de santé, et de se rendre ainsi au lieu de leur destination. Les navires se rendant d'Anvers à Terneuze, et *vice versâ*, ou faisant dans le fleuve même le cabotage ou la pêche (ainsi que l'exercice de celle-ci sera réglé en conséquence du § 6 ci-après), ne seront assujettis à aucun droit.

§ 4. La branche de l'Escaut dite l'Escaut oriental, ne servant point, dans l'état actuel des localités, à la navigation de la pleine mer à Anvers et à Terneuze, et *vice versâ*, mais étant employée à la navigation entre Anvers et le Rhin, celle-ci ne pourra être grévée, dans tout son cours, de droits ou péages plus élevés que ceux qui sont perçus, d'après les tarifs de Mayence du 31 Mars, 1831, sur la navigation de Gorcum jusqu'à la pleine mer, en proportion des distances.

§ 5. Il est également convenu que la navigation des eaux intermédiaires entre l'Escaut et le Rhin, pour arriver d'Anvers au Rhin, et *vice versâ*, restera réciproquement libre, et qu'elle ne sera assujettie qu'à des péages modérés, qui seront les mêmes pour le commerce des deux pays.

§ 6. Des Commissaries se réuniront de part et d'autre à Anvers, dans le délai d'un mois, tant pour arrêter le montant définitif et permanent de ces péages, qu'afin de convenir d'un règlement général pour l'exécution des dispositions du présent Article, et d'y comprendre l'exercice du droit de pêche et du commerce de pêche dans toute l'étendue de l'Escaut, sur le pied d'une parfaite réciprocité et égalité en faveur des sujets des deux pays.

§ 7. En attendant, et jusqu'à ce que le dit règlement soit arrêté, la navigation de la Meuse et de ses embranchemens restera libre au commerce des deux pays, qui adopteront provisoirement à cet égard les tarifs de la Convention signée le 31 Mars, 1831, à Mayence, pour la libre navigation du Rhin, ainsi que les autres dispositions de cette Convention, en autant qu'elles pourront s'appliquer à la dite rivière.

§ 8. Si des événemens naturels, ou des travaux d'art venoient par la suite à rendre impracticables les voies de navigation indiquées au présent Article, le Gouvernement des Pays Bas assignera à la navigation Belge d'autres voies aussi sûres et aussi bonnes et commodes, en remplacement des dites voies de navigation devenues impracticables.

ARTICLE X.

L'usage des canaux qui traversent à la fois les deux pays, continuera d'être libre et commun à leurs habitans. Il est entendu qu'ils en jouiront réciproquement et aux mêmes conditions; et que de part et d'autre, il ne sera perçu sur la navigation des dits canaux que des droits modérés.

ARTICLE XI.

Les communications commerciales par la ville de Maestricht, et par celle de
407. Sittard,

Sittard, resteront entièrement libres, et ne pourront être entravées sous aucun prétexte.

L'usage des routes qui, en traversant ces deux villes, conduisent aux frontières de l'Allemagne, ne sera assujéti qu'au paiement de droits de barrière modérés pour l'entretien de ces routes, de telle sorte que le commerce de transit n'y puisse éprouver aucun obstacle, et que, moyennant les droits ci-dessus mentionnés, ces routes soient entretenues en bon état, et propres à faciliter ce commerce.

ARTICLE XII.

Dans le cas où il aurait été construit en Belgique une nouvelle route, ou creusé un nouveau canal, qui aboutirait à la Meuse vis-à-vis le canton Hollandais de Sittard, alors il serait loisible à la Belgique de demander à la Hollande, qui ne s'y refuserait pas dans cette supposition, que la dite route, ou le dit canal, fussent prolongés d'après le même plan, entièrement aux frais et dépens de la Belgique, par le canton de Sittard jusqu'aux frontières de l'Allemagne. Cette route, ou ce canal, qui ne pourraient servir que de communication commerciale, seraient construits, au choix de la Hollande, soit par des ingénieurs et ouvriers que la Belgique obtiendrait l'autorisation d'employer à cet effet dans le canton de Sittard, soit par des ingénieurs et ouvriers que la Hollande fournirait, et qui exécuteraient, aux frais de la Belgique, les travaux convenus; le tout sans charge aucune pour la Hollande, et sans préjudice de ses droits de souveraineté exclusifs sur le territoire que traverserait la route ou le canal en question.

Les deux parties fixeraient d'un commun accord le montant et le mode de perception des droits et péages qui seraient prélevés sur cette même route ou canal.

ARTICLE XIII.

§ 1. A partir du 1^{er} Janvier, 1839, la Belgique, du chef du partage des dettes publiques du Royaume des Pays Bas, restera chargée d'une somme de cinq millions de florins des Pays Bas, de rente annuelle, dont les capitaux seront transférés du débet du Grand Livre d'Amsterdam, ou du débet du Trésor Général du Royaume des Pays Bas, sur le débet du Grand Livre de la Belgique.

§ 2. Les capitaux transférés, et les rentes inscrites sur le débet du Grand Livre de la Belgique, par suite du paragraphe précédent, jusqu'à la concurrence de la somme totale de 5,000,000 fl. des Pays Bas, de rente annuelle, seront considérés comme faisant partie de la dette nationale Belge; et la Belgique s'engage à n'admettre, ni pour le présent ni pour l'avenir, aucune distinction entre cette portion de sa dette publique provenant de sa réunion avec la Hollande, et toute autre dette nationale Belge déjà créée, ou à créer.

§ 3. L'acquittement de la somme de rentes annuelles ci-dessus mentionnées de 5,000,000 fl. des Pays Bas, aura lieu régulièrement de semestre en semestre, soit à Bruxelles, soit à Anvers, en argent comptant, sans déduction aucune de quelque nature que ce puisse être, ni pour le présent ni pour l'avenir.

§ 4. Moyennant la création de la dite somme de rentes annuelles de 5,000,000 fl., la Belgique se trouvera déchargée envers la Hollande de toute obligation du chef du partage des dettes publiques du Royaume des Pays Bas.

§ 5. Des Commissaires nommés de part et d'autre se réuniront dans le délai de quinze jours, en la ville d'Utrecht, afin de procéder au transfert des capitaux et rentes qui, du chef du partage des dettes publiques du Royaume des Pays Bas, doivent passer à la charge de la Belgique, jusqu'à la concurrence de 5,000,000 fl. de rente annuelle. Ils procéderont aussi à l'extradition des archives, cartes, plans, et documens quelconques appartenant à la Belgique, ou concernant son administration.

ARTICLE XIV.

Le port d'Anvers, conformément aux stipulations de l'Article XV. du Traité de Paris de 30 Mai, 1814, continuera d'être uniquement un port de commerce.

ARTICLE XV.

Les ouvrages d'utilité publique ou particulière, tels que canaux, routes, ou autres de semblable nature, construits en tout ou en partie aux frais du Royaume
des

des Pays Bas, appartiendront, avec les avantages et les charges qui y sont attachés, au pays où ils sont situés.

Il reste entendu que les capitaux empruntés pour la construction de ces ouvrages, et qui y sont spécialement affectés, seront compris dans les dites charges pour autant qu'ils ne sont pas encore remboursés, et sans que les remboursements déjà effectués puissent donner lieu à liquidation.

ARTICLE XVI.

Les séquestres qui auraient été mis en Belgique, pendant les troubles, pour cause politique, sur des biens et domaines patrimoniaux quelconques, seront levés sans nul retard ; et la jouissance des biens et domaines susdits sera immédiatement rendue aux légitimes propriétaires.

ARTICLE XVII.

Dans les deux pays dont la séparation a lieu en conséquence des présens Articles, les habitans et propriétaires, s'ils veulent transférer leur domicile d'un pays à l'autre, auront la liberté de disposer pendant deux ans de leurs propriétés, meubles, ou immeubles, de quelque nature qu'elles soient, de les vendre, et d'emporter le produit de ces ventes, soit en numéraire, soit en autres valeurs, sans empêchement ou quittement de droits autres que ceux qui sont aujourd'hui en vigueur dans les deux pays pour les mutations et transferts.

Il est entendu que renonciation est faite pour le présent et pour l'avenir, à la perception de tout droit d'aubaine et de détraction sur les personnes et sur les biens des Hollandais en Belgique, et des Belges en Hollande.

ARTICLE XVIII.

La qualité de sujet mixte, quant à la propriété, sera reconnue et maintenue.

ARTICLE XIX.

Les dispositions des Articles XI jusqu'à XXI inclusivement, du Traité conclu entre l'Autriche et la Russie le 3 Mai, 1815, qui fait partie intégrante de l'Acte Général du Congrès de Vienne, dispositions relatives aux propriétaires mixtes, à l'élection de domicile qu'ils sont tenus de faire, aux droits qu'ils exerceront comme sujets de l'un ou de l'autre Etat, et aux rapports de voisinage dans les propriétés coupées par les frontières, seront appliquées aux propriétaires ainsi qu'aux propriétés qui, en Hollande, dans le Grande Duché de Luxembourg, ou en Belgique, se trouveront dans les cas prévus par les susdites dispositions des Actes du Congrès de Vienne. Il est entendu que les productions minérales sont comprises dans les productions du sol mentionnées dans l'Article XX du Traité du 3 Mai, 1815, sus-allégué. Les droits d'aubaine et de détraction étant abolis dès-à-présent entre la Hollande, le Grand-Duché de Luxembourg, et la Belgique, il est entendu que, parmi les dispositions ci-dessus mentionnées, celles qui se rapporteraient aux droits d'aubaine et de détraction seront censées nulles et sans effet dans les trois pays.

ARTICLE XX.

Personne dans les pays qui changent de domination, ne pourra être recherché ni inquiété en aucune manière, pour cause quelconque de participation directe ou indirecte aux évènements politiques.

ARTICLE XXI.

Les pensions et traitemens d'attente, de non-activité, et de réforme, seront acquittées à l'avenir de part et d'autre, à tous les titulaires, tant civils que militaires, qui y ont droit, conformément aux lois en vigueur avant le 1er Novembre, 1830.

Il est convenu que les pensions et traitemens susdits des titulaires nés sur les territoires qui constituent aujourd'hui la Belgique, resteront à la charge du trésor Belge ; et les pensions et traitemens des titulaires nés sur les territoires qui constituent aujourd'hui le Royaume des Pays Bas, à celle du trésor Néerlandais.

ARTICLE XXII.

Toutes les réclamations des sujets Belges sur des établissemens particuliers, tels que fonds de veuves, et fonds connus sous la dénomination de fons des *leges*, et de la caisse des retraites civiles et militaires, seront examinées par la commission mixte dont il est question dans l'Article XIII, et résolues d'après la teneur des réglemens qui régissent ces fonds ou caisses.

Les cautionnemens fournis, ainsi que les versements faits par les comptables Belges, les dépôts judiciaires, et les consignations, seront également restitués aux titulaires sur la présentation de leurs titres.

Sidu chef des liquidations dites *Françaises*, des sujets Belges avaient encore à faire valoir des droits d'inscription, ces réclamations seront également examinées et liquidées par la dite commission.

ARTICLE XXIII.

Seront maintenus dans leur force et vigueur, les jugemens rendus en matière civile et commerciale, les actes de l'état civil, et les actes passés devant notaire ou autre officier public sous l'administration Belge, dans les parties du Limbourg et du Grand Duché de Luxembourg, dont Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, va être remis en possession.

ARTICLE XXIV.

Aussitôt après l'échange des Ratifications du Traité à intervenir entre les deux Parties, les ordres nécessaires seront envoyés aux commandans des troupes respectives, pour l'évacuation des territoires, villes, places, et lieux, qui changent de domination. Les autorités civiles y recevront aussi, en même tems, les ordres nécessaires pour la remise de ces territoires, villes, places, et lieux, aux commissaires qui seront désignés à cet effet de part et d'autre.

Cette évacuation et cette remise s'effectueront de manière à pouvoir être terminées dans l'espace de quinze jours, ou plutôt si faire se peut.

(L.S.) PALMERSTON.

(L.S.) DEDEL.

(L.S.) SENFFT.

(L.S.) H. SEBASTIANI.

(L.S.) BULOW.

(L.S.) POZZO DI BORGO.

[*A Treaty between Holland and Belgium, comprising the 24 Articles above recited, together with the usual engagement for Peace and Friendship between the Parties, was also signed by the Plenipotentiaries of those two Powers on the 19th of April; and the ratifications were exchanged at the same time and place as those of the preceding Treaty.*]

2. *Treaty between Great Britain, Austria, France, Prussia, and Russia, on the one part, and Belgium, on the other.*

Au Nom de la Très Sainte et Indivisible Trinité.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Français, Sa Majesté le Roi de Prusse, et Sa Majesté l'Empereur de toutes les Russies, prenant en considération, de même que Sa Majesté le Roi des Belges, leur Traité conclu à Londres le 15 Novembre, 1831, ainsi que les Traités signés en ce jour entre Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Roi des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, d'une part, et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, de l'autre part, et entre Sa Majesté le Roi des Belges et Sa dite Majesté le Roi des Pays Bas, Grand-Duc de Luxembourg, Leurs dites Majestés ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très-Honorable Henri Jean, Vicomte Palmerston, Baron Temple, Pair d'Irlande, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Chevalier Grand-Croix du Très-Honorable Order du Bain, Membre du Parlement, et Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères ;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Frédéric Chrétien Louis, Comte de Senfft-Pilsach, Grand-Croix de l'Ordre Impérial de Léopold, et de celui de St. Joseph de Toscane, Grand-Croix décoré du Grand Cordon de l'Ordre des Saints Maurice et Lazare, Chevalier des Ordres de St. Jean de Jérusalem, et de l'Aigle Blanc, Grand-Croix de la Légion d'Honneur, de l'Ordre du Mérite de Saxe, et de celui de St. Stanislas, &c., Chambellan et Conseiller Intime Actuel de sa Majesté Impériale et Royal Apostolique, et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Pays Bas ;

Sa Majesté le Roi des Français, le Sieur Horace François Bastien, Comte Sébastiani-Porta, Grand-Croix de son Ordre Royal de la Légion d'Honneur, Grand Cordon des Ordres du Croissant de Turquie, de Léopold de Belgique, de St. Ferdinand de Naples, du Saint Sauveur de Grèce, Chevalier de l'Ordre de la Couronne de Fer, &c., &c., Lieutenant Général de Ses Armées, Membre de la Chambre des Députés de France, Son Ambassadeur Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ;

Sa Majesté le Roi de Prusse, le Sieur Henri Guillaume, Baron de Bülow, Grand-Croix de l'Ordre de l'Aigle Rouge de Prusse de la seconde Classe, Grand-Croix de l'Ordre Royal des Guelphes, Commandeur des Ordres de St. Stanislas de Russie, et du Faucon de Saxe-Weimar, &c., Son Chambellan, Conseiller Intime de Légation, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ;

Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles André, Comte Pozzo di Borgo, Général d'Infanterie de Ses Armées, Son Aide-de-Camp Général, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie, et de l'Ordre Militaire de St. George de la quatrième Classe, Chevalier de l'Ordre de la Toison d'Or, Grand-Croix de l'Ordre Royal de St. Etienne de Hongrie, de l'Aigle Noir et de l'Aigle Rouge de Prusse, de l'Ordre de la Tour et de l'Epée de Portugal, de l'Ordre de St. Ferdinand de Naples, de l'Ordre Royal des Guelphes, Commandeur Grand-Croix de l'Ordre du Bain, &c., &c.

Et Sa Majesté le Roi des Belges, le Sieur Sylvain Van de Weyer, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, Officier le d'Ordre de Léopold, Grand-Croix de l'Ordre d'Ernest de Saxe, de l'Ordre de

la Tour et de l'Épée, de l'Ordre Militaire et Religieux des Saints Maurice et Lazare, Commandeur de l'Ordre Royal de la Légion d'Honneur, &c.

Lesquels, après s'être communiqué leurs Pleins Pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :

ARTICLE I.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Français, Sa Majesté le Roi de Prusse, et Sa Majesté l'Empereur de toutes les Russies, déclarent, que les Articles ci-annexés, et formant la teneur du Traité conclu en ce jour entre Sa Majesté le Roi des Belges et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, sont considérés comme ayant la même force et valeur que s'ils étaient textuellement insérés dans le présent Acte, et qu'ils se trouvent ainsi placés sous la garantie de Leurs dites Majestés.

ARTICLE II.

Le Traité du 15 Novembre, 1831, entre Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Roi des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, et Sa Majesté le Roi des Belges, est déclaré n'être point obligatoire pour les Hautes Parties Contractantes.

ARTICLE III.

Le présent Traité sera ratifié, et les ratifications seront échangées à Londres dans le délai de six semaines, ou plutôt si faire se peut. Cet échange aura lieu en même tems que celui des ratifications du Traité entre la Belgique et la Hollande.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité, et y ont apposé le cachet de leurs Armes.

Fait à Londres, le dix-neuf Avril, l'an de grâce mil-huit-cent-trente-neuf.

(L.S.) PALMERSTON. (L.S.) SYLVAIN VAN DE WEYER.
 (L.S.) SENFFT.
 (L.S.) H. SEBASTIANI.
 (L.S.) BULOW.
 (L.S.) POZZO DI BORGIO.

Annexe au Traité signé à Londres le 19 Avril, 1839, entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, d'une part, et la Belgique, de l'autre part.

[*This Annex, signed by the same Plenipotentiaries who signed the preceding Treaty, is word for word the same as the Annex to the Treaty between the five Powers and the King of the Netherlands.*]

3. *Act of Accession on the part of the Germanic Confederation to the Territorial Arrangements concerning the Grand Duchy of Luxembourg, contained in the first seven Articles of the Annex to the two preceding Treaties.*

LES Plénipotentiaires des Cours de la Grande Bretagne, d'Autriche, de Belgique, de France, des Pays Bas, de Prusse, et de Russie, ayant signé aujourd'hui les Traités conclus entre les Cinq Cours et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, entre leurs Majestés le Roi des Belges et le Roi des Pays Bas, Grand Duc de Luxembourg, et entre les Cinq Cours et Sa Majesté le Roi des Belges, les Plénipotentiaires ont jugé à propos que les Plénipotentiaires d'Autriche et de Prusse, munis des Pleins Pouvoirs de la Diète de la Confédération Germanique, fussent invités à accéder, au nom de la dite Confédération, aux dispositions concernant le Grand Duché de Luxembourg, contenues dans les Traités susdits.

En conséquence, les Plénipotentiaires d'Autriche et de Prusse, représentant la Diète en vertu des susdits Pleins Pouvoirs, déclarent, que la Confédération Germanique accède formellement aux arrangements territoriaux concernant le Grand Duché de Luxembourg, contenus dans les Articles I, II, III, IV, V, VI, et VII, de l'Annexe des Traités conclus en ce jour entre les Cinq Cours et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, et entre les Cinq Cours et Sa Majesté le Roi des Belges, ainsi que dans les Articles correspondans du Traité signé en même tems entre Sa Majesté le Roi des Belges et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg. Et ils prennent envers les Cours de la Grande Bretagne, d'Autriche, de Belgique, de France, des Pays Bas, de Prusse, et de Russie, au nom de la Confédération Germanique, l'engagement que celle-ci se conformera en tout aux stipulations renfermées dans les dits Articles, dont la teneur suit mot à mot, en tant qu'elles peuvent concerner la Confédération Germanique.

[Here follow the first Seven Articles of the Annex to the two preceding Treaties.]

Les Plénipotentiaires de la Grande Bretagne, d'Autriche, de Belgique, de France, des Pays Bas, de Prusse, et de Russie, en vertu de leurs Pleins Pouvoir, acceptent formellement, au nom de leurs Cours respectives, la dite Accession de la part de la Confédération Germanique.

Le présent Acte d'Accession sera ratifié par les Cours de la Grande Bretagne, d'Autriche, de Belgique, de France, des Pays Bas, de Prusse, et de Russie, ainsi que par la Confédération Germanique, moyennant un Arrêté de la Diète, dont expédition sera faite au nombre des copies nécessaires. Et les Actes de Ratification respectifs seront échangés à Londres dans l'espace de six semaines à dater de ce jour, ou plutôt si faire se peut, et en même tems que se fera l'échange des Ratifications des trois Traités susdits.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Acte d'Accession, et y ont apposé le cachet de leurs Armes.

Fait à Londres, le dix-neuf Avril, l'an de grâce mil-huit-cent-trente-neuf.

(L.S.) PALMERSTON.

(L.S.) SENFFT.

(L.S.) SENFFT.

(L.S.) BULOW.

(L.S.) SYLVAIN VAN DE WEYER.

(L.S.) H. SEBASTIANI.

(L.S.) DEDEL.

(L.S.) BULOW.

(L.S.) POZZO DI BORGO.

TRANSLATION.

T R E A T I E S

RELATIVE TO

THE NETHERLANDS AND BELGIUM.

Signed at London, April 19, 1839.

1. *Treaty between Great Britain, Austria, France, Prussia, and Russia, on the one part, and The Netherlands, on the other.*

In the Name of the Most Holy and Indivisible Trinity.

HER MAJESTY the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the French, His Majesty the King of Prussia, and His Majesty the Emperor of all the Russias, having taken into consideration their Treaty concluded with His Majesty the King of the Belgians, on the 15th of November 1831; and His Majesty the King of the Netherlands, Grand Duke of Luxembourg, being disposed to conclude a definitive arrangement on the basis of the 24 Articles agreed upon by the Plenipotentiaries of Great Britain, Austria, France, Prussia, and Russia, on the 14th of October 1831; Their said Majesties have named for their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of Her Britannick Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, a Member of Parliament, and Her Britannick Majesty's Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Frederick Christian Louis, Count de Senfft-Pilsach, Grand Cross of the Imperial Order of Leopold, and of that of St. Joseph of Tuscany, Grand Cross decorated with the Grand Cordon of the Order of St. Maurice and St. Lazarus, Knight of the Orders of St. John of Jerusalem and of the White Eagle, Grand Cross of the Legion of Honour, of the Order of Merit of Saxony, and of that of St. Stanislaus, &c., Chamberlain and Privy Councillor of His Imperial and Royal Apostolic Majesty, and His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Netherlands;

His Majesty the King of the French, the Sieur Horace Francis Bastien, Count Sebastiani-Porta, Grand Cross of His Royal Order of the Legion of Honour, Grand Cordon of the Orders of the Crescent of Turkey, of Leopold of Belgium, of St. Ferdinand of Naples, of the Holy Saviour of Greece, Knight of the Order of the Iron Crown, &c., &c., a Lieutenant General in his Armies, a Member of the Chamber of Deputies of France, His Ambassador Extraordinary and Minister Plenipotentiary to Her Britannick Majesty;

His Majesty the King of Prussia, the Sieur Henry William, Baron de Bülow, Grand Cross of the Order of the Red Eagle of Prussia of the Second Class, Grand Cross of the Royal Order of the Guelphs, Commander of the Orders of St. Stanislaus of Russia, and of the Falcon of Saxe-Weimar, &c., His Chamberlain, Privy Councillor of Legation, Envoy Extraordinary and Minister Plenipotentiary to Her Britannick Majesty;

His Majesty the Emperor of all the Russias, the Sieur Charles Andrew, Count Pozzo di Borgo, a General of Infantry in His Armies, His Aide-de-Camp General, Ambassador Extraordinary and Plenipotentiary to Her Britannick Majesty, Knight of the Orders of Russia, and of the Military Order of St. George of the Fourth Class, Knight of the Order of the Golden Fleece, Grand Cross of the Royal Order of St. Stephen of Hungary, of the Black Eagle and of the Red Eagle of Prussia, of the Order of the Tower and Sword of Portugal, of the
Order

Order of St. Ferdinand of Naples, of the Royal Order of the Guelphs, Commander Grand Cross of the Order of the Bath, &c. &c.;

And His Majesty the King of the Netherlands, Grand Duke of Luxembourg, the Sieur Solomon Dedel, Commander of the Order of the Netherland Lion, Commander of the Order of the Polar Star of Sweden, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannick Majesty;

Who, after having communicated to each other their Full Powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

His Majesty the King of the Netherlands, Grand Duke of Luxembourg, engages to cause to be immediately converted into a Treaty with His Majesty the King of the Belgians the Articles annexed to the present Act, and agreed upon by common consent, under the auspices of the Courts of Great Britain, Austria, France, Prussia, and Russia.

ARTICLE II.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the French, His Majesty the King of Prussia, and His Majesty the Emperor of all the Russias, declare, that the Articles mentioned in the preceding Article, are considered as having the same force and validity as if they were textually inserted in the present Act, and that they are thus placed under the guarantee of their said Majesties.

ARTICLE III.

The union which has existed between Holland and Belgium, in virtue of the Treaty of Vienna of the 31st of May 1815, is acknowledged by His Majesty the King of the Netherlands, Grand Duke of Luxembourg, to be dissolved.

ARTICLE IV.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London at the expiration of six weeks, or sooner, if possible. The exchange of these ratifications shall take place at the same time as that of the ratifications of the Treaty between Holland and Belgium.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto the seal of their Arms.

Done at London, the nineteenth day of April, in the year of Our Lord one thousand eight hundred and thirty-nine.

(L.S.) PALMERSTON.

(L.S.) DEDEL.

(L.S.) SENFFT.

(L.S.) H. SEBASTIANI.

(L.S.) BULOW.

(L.S.) POZZO DI BORGO.

Annex to the Treaty signed at London, on the 19th April 1839, between Great Britain, Austria, France, Prussia, and Russia, on the one part, and the Netherlands, on the other part.

ARTICLE I.

The Belgian territory shall be composed of the provinces of

South Brabant;

Liege;

Namur;

Hainault;

West Flanders;

East Flanders;

Antwerp; and

Limbourg;

such as they formed part of the United Kingdom of the Netherlands constituted in 1815, with the exception of those districts of the province of Limbourg which are designated in Article IV.

The Belgian territory shall, moreover, comprise that part of the Grand Duchy of Luxembourg which is specified in Article II.

ARTICLE II.

In the Grand Duchy of Luxembourg, the limits of the Belgian territory shall be such as will be hereinafter described, viz.

Commencing from the frontier of France between *Rodange*, which shall remain to the Grand Duchy of Luxembourg, and *Athus*, which shall belong to Belgium, there shall be drawn, according to the annexed map, a line which, leaving to Belgium the road from *Arlon* to *Longwy*, the town of *Arlon* with its district, and the road from *Arlon* to *Bastogne*, shall pass between *Messancy*, which shall be on the Belgian territory, and *Clemancy*, which shall remain to the Grand Duchy of Luxembourg, terminating at *Steinfort*, which place shall also remain to the Grand Duchy. From *Steinfort* this line shall be continued in the direction of *Eischen*, *Hebus*, *Guirsch*, *Ober-Pallen*, *Grende*, *Nothomb*, *Parette*, and *Perl *, as far as *Martelange*; *Hebus*, *Guirsch*, *Grende*, *Nothomb*, and *Parette*, being to belong to Belgium, and *Eischen*, *Ober-Pallen*, *Perl *, and *Martelange*, to the Grand Duchy. From *Martelange* the said line shall follow the course of the *Sure*, the water way (*thalweg*) of which river shall serve as the limit between the two States, as far as opposite to *Tintange*, from whence it shall be continued, as directly as possible, towards the present frontier of the *Arrondissement* of *Diekirch*, and shall pass between *Surret*, *Harlange*, and *Tarchamps*, which places shall be left to the Grand Duchy of Luxembourg, and *Honville*, *Livarchamps*, and *Loutremange*, which places shall form part of the Belgian territory. Then having, in the vicinity of *Doncols* and *Soulez*, which shall remain to the Grand Duchy, reached the present boundary of the *Arrondissement* of *Diekirch*, the line in question shall follow the said boundary to the frontier of the Prussian territory. All the territories, towns, fortresses, and places situated to the west of this line, shall belong to Belgium; and all the territories, towns, fortresses, and places situated to the east of the said line, shall continue to belong to the Grand Duchy of Luxembourg.

It is understood, that in making out this line, and in conforming as closely as possible to the description of it given above, as well as to the delineation of it on the map, which, for the sake of greater clearness, is annexed to the present Article, the Commissioners of demarcation, mentioned in Article V, shall pay due attention to the localities, as well as to the mutual necessity for accommodation which may result therefrom.

ARTICLE III.

In return for the cessions made in the preceding Article, there shall be assigned to His Majesty the King of the Netherlands, Grand Duke of Luxembourg, a territorial indemnity in the province of Limbourg.

ARTICLE IV.

In execution of that part of Article I which relates to the province of Limbourg, and in consequence of the cessions which His Majesty the King of the Netherlands, Grand Duke of Luxembourg, makes in Article II, His said Majesty shall possess, either to be held by him in his character of Grand Duke of Luxembourg, or for the purpose of being united to Holland, those territories, the limits of which are hereinafter described.

1^o. *On the right bank of the Meuse*; to the old Dutch *enclaves* upon the said bank in the province of Limbourg, shall be united those districts of the said province upon the same bank, which did not belong to the States General in 1790; in such wise that the whole of that part of the present province of Limbourg, situated upon the right bank of the Meuse, and comprised between that river on the west, the frontier of the Prussian territory on the east, the present frontier of the province of Liege on the south, and Dutch Guelderland on the north, shall henceforth belong to His Majesty the King of the Netherlands, either to be held by him in his character of Grand Duke of Luxembourg, or in order to be united to Holland.

2^o. *On the left bank of the Meuse*; commencing from the southernmost point of the Dutch province of North Brabant, there shall be drawn, according to the annexed

annexed map, a line which shall terminate on the Meuse above *Wessem*, between that place and *Stevenswaardt*, at the point where the frontiers of the present *Arrondissements* of *Ruremonde* and *Maestricht* meet on the left bank of the Meuse; in such manner that *Bergerot*, *Stamproy*, *Neer-Itteren*, *Ittervoordt*, and *Thorn*, with their districts, as well as all the other places situated to the north of this line, shall form part of the Dutch territory.

The old Dutch *enclaves* in the province of Limbourg, upon the left bank of the Meuse, shall belong to Belgium, with the exception of the town of Maestricht, which, together with a radius of territory, extending twelve hundred *toises* from the outer glacis of the fortress, on the said bank of this river, shall continue to be possessed in full sovereignty and property by His Majesty the King of the Netherlands.

ARTICLE V.

His Majesty the King of the Netherlands, Grand Duke of Luxembourg, shall come to an agreement with the Germanic Confederation, and with the Agnates of the House of Nassau, as to the application of the stipulations contained in Articles III. and IV., as well as upon all the arrangements which the said Articles may render necessary, either with the abovementioned Agnates of the House of Nassau, or with the Germanic Confederation.

ARTICLE VI.

In consideration of the territorial arrangements above stated, each of the two parties renounces reciprocally, and for ever, all pretension to the territories, towns, fortresses, and places situated within the limits of the possessions of the other party, such as those limits are described in Articles I., II., and IV.

The said limits shall be marked out in conformity with those Articles by Belgian and Dutch Commissioners of demarcation, who shall meet as soon as possible in the town of Maestricht.

ARTICLE VII.

Belgium, within the limits specified in Articles I., II., and IV., shall form an independent and perpetually neutral State. It shall be bound to observe such neutrality towards all other States.

ARTICLE VIII.

The drainage of the waters of the two Flanders shall be regulated between Holland and Belgium, according to the stipulations on this subject contained in Article VI. of the definitive Treaty concluded between His Majesty the Emperor of Germany and the States General, on the 8th of November 1785; and in conformity with the said Article, Commissioners, to be named on either side, shall make arrangements for the application of the provisions contained in it.

ARTICLE IX.

§ 1. The provisions of Articles CVIII. to CXVII. inclusive of the General Act of the Congress of Vienna, relative to the free navigation of navigable rivers, shall be applied to those navigable rivers which separate the Belgian and the Dutch territories, or which traverse them both.

§ 2. So far as regards specially the navigation of the Scheldt, and of its mouths, it is agreed, that the pilotage and the buoys of its channel, as well as the conservation of the channels of the Scheldt below Antwerp, shall be subject to a joint superintendence; and that this joint superintendence shall be exercised by Commissioners to be appointed for this purpose by the two parties. Moderate pilotage dues shall be fixed by mutual agreement, and those dues shall be the same for the vessels of all nations.

In the meantime, and until these dues shall be fixed, no higher pilotage dues shall be levied than those which have been established by the tariff of 1829, for the mouths of the Meuse from the high sea to Helvoet, and from Helvoet to Rotterdam, in proportion to the distances. It shall be at the choice of every vessel proceeding from the high sea to Belgium, or from Belgium to the high sea, to take what pilot she pleases; and upon the same principle, it shall be free for

the two countries to establish along the whole course of the Scheldt, and at its mouth, such pilotage establishments as shall be deemed necessary for furnishing pilots. Everything relating to these establishments shall be determined by the regulation to be concluded in conformity with § 6 hereinafter following. These establishments shall be placed under the joint superintendence mentioned in the beginning of the present paragraph. The two Governments engage to preserve the navigable channels of the Scheldt, and of its mouths, and to place and maintain therein the necessary beacons and buoys, each for its own part of the river.

§ 3. There shall be levied by the Government of the Netherlands, upon the navigation of the Scheldt and of its mouths, a single duty of florins 1.50 per ton; that is to say, florins 1.12 on vessels which, coming from the high sea, shall ascend the Western Scheldt in order to proceed to Belgium by the Scheldt, or by the Canal of Terneuze; and of florins 0.38 per ton on vessels which, coming from Belgium by the Scheldt or by the Canal of Terneuze, shall descend the Western Scheldt in order to proceed to the high sea. And in order that the said vessels may not be subject to any visit, nor to any delay or hindrance whatever within the Dutch waters, either in ascending the Scheldt from the high sea, or in descending the Scheldt in order to reach the high sea, it is agreed that the collection of the duty abovementioned shall take place by Dutch agents at Antwerp and at Terneuze. In the same manner, vessels arriving from the high sea in order to proceed to Antwerp by the Western Scheldt, and coming from places suspected in regard to health, shall be at liberty to continue their course without hindrance or delay, accompanied by one health guard, and thus to proceed to the place of their destination. Vessels proceeding from Antwerp to Terneuze, and *vice versa*, or carrying on in the river itself coasting trade or fishery (in such manner as the exercise of the latter shall be regulated in pursuance of § 6 hereinafter) shall not be subjected to any duty.

§ 4. The branch of the Scheldt called the Eastern Scheldt not being in its present state available for the navigation from the high sea to Antwerp and Terneuze, and *vice versa*, but being used for the navigation between Antwerp and the Rhine, this eastern branch shall not be burthened, in any part of its course, with higher duties or tolls than those which are levied, according to the tariffs of Mayence of the 31st of March 1831, upon the navigation from Gorcum to the high sea, in proportion to the distances.

§ 5. It is also agreed that the navigation of the intermediate channels between the Scheldt and the Rhine, in order to proceed from Antwerp to the Rhine, and *vice versa*, shall continue reciprocally free, and that it shall be subject only to moderate tolls, which shall be the same for the commerce of the two countries.

§ 6. Commissioners on both sides shall meet at Antwerp in the space of one month, as well to determine the definitive and permanent amount of these tolls, as to agree upon a general regulation for the execution of the provisions of the present Article, and to include therein a provision for the exercise of the right of fishing and of trading in fish, throughout the whole extent of the Scheldt, on a footing of perfect reciprocity and equality in favour of the subjects of the two countries.

§ 7. In the mean time, and until the said regulations shall be prepared, the navigation of the Meuse and of its branches shall remain free to the commerce of the two countries, which shall adopt provisionally, in this respect, the tariffs of the Convention signed at Mayence on the 31st of March, 1831, for the free navigation of the Rhine, as well as the other provisions of that Convention, so far as they may be applicable to the said river.

§ 8. If natural events or works of art should hereafter render impracticable the lines of navigation mentioned in the present Article, the Government of the Netherlands shall assign to Belgian navigation other lines equally safe, and equally good and commodious, instead of the said lines of navigation become impracticable.

ARTICLE X.

The use of the canals which traverse both countries shall continue to be free and common to the inhabitants of both. It is understood that they shall enjoy the use of the same reciprocally, and on equal conditions; and that on either side moderate duties only shall be levied upon the navigation of the said canals.

ARTICLE XI.

The commercial communications through the town of Maestricht, and through Sittardt, shall remain entirely free, and shall not be impeded under any pretext whatsoever.

The use of the roads which, passing through these towns lead to the frontiers of Germany, shall be subject only to the payment of moderate turnpike tolls, for the repair of the said roads, so that the transit commerce may not experience any obstacle thereby, and that by means of the tolls abovementioned these roads may be kept in good repair, and fit to afford facilities to that commerce.

ARTICLE XII.

In the event of a new road having been constructed, or a new canal cut, in Belgium, terminating at the Meuse, opposite the Dutch canton of Sittardt, in that case Belgium shall be entitled to demand of Holland, who, on the other hand, shall not in such case refuse her consent, that the said road, or the said canal, shall be continued, according to the same plan, and entirely at the cost and charge of Belgium, through the canton of Sittardt, to the frontiers of Germany. This road or canal, which shall be used only as a commercial communication, shall be constructed, at the option of Holland, either by engineers and workmen whom Belgium shall obtain permission to employ for that purpose in the canton of Sittardt, or by engineers and workmen to be furnished by Holland, and who shall execute the works agreed upon at the expense of Belgium; the whole without any charge whatsoever to Holland, and without prejudice to her exclusive rights of sovereignty over the territory which may be traversed by the road or canal in question.

The two parties shall fix, by mutual agreement, the amount and the mode of collection of the duties and tolls which should be levied upon the said road or canal.

ARTICLE XIII.

§ 1. From and after the 1st of January, 1839, Belgium, with reference to the division of the public debt of the Kingdom of the Netherlands, shall remain charged with the sum of five millions of Netherland florins of annual interest, the capital of which shall be transferred from the debit of the Great Book of Amsterdam, or from the debit of the General Treasury of the Kingdom of the Netherlands, to the debit of the Great Book of Belgium.

§ 2. The capitals transferred, and the annuities inscribed upon the debit of the Great Book of Belgium, in consequence of the preceding paragraph, to the amount of the total sum of 5,000,000 Netherland florins of annual interest, shall be considered as forming part of the Belgian National Debt; and Belgium engages not to admit, either at present or in future, any distinction between this portion of her public debt arising from her union with Holland, and any other Belgian national debt already created, or which may be created hereafter.

§ 3. The payment of the abovementioned sum of 5,000,000 Netherland florins of annual interest, shall take place regularly every six months, either at Brussels or at Antwerp, in ready money, without deduction of any kind whatsoever, either at present or in future.

§ 4. In consideration of the creation of the said sum of 5,000,000 florins of annual interest, Belgium shall be released from all obligation towards Holland, on account of the division of the public debt of the Kingdom of the Netherlands.

§ 5. Commissioners to be named on both sides, shall meet within the space of fifteen days in the town of Utrecht, in order to proceed to the transfer of the capitals and annual interest, which upon the division of the public debt of the Kingdom of the Netherlands, are to pass to the charge of Belgium, up to the amount of 5,000,000 florins of annual interest.

They shall also proceed to deliver up the archives, maps, plans, and other documents whatsoever which belong to Belgium, or which relate to her administration.

ARTICLE XIV.

The port of Antwerp, in conformity with the stipulations of the XVth Article of the Treaty of Paris, of the 30th of May, 1814, shall continue to be solely a port of commerce.

ARTICLE XV.

Works of public or private utility, such as canals, roads, or others of a similar nature, constructed wholly or in part at the expense of the Kingdom of the Netherlands, shall belong, together with the advantages and charges thereunto attached, to the country in which they are situated.

It is understood that the capitals borrowed for the construction of these works, and specifically charged thereupon, shall be comprised in the aforesaid charges, in so far as they may not yet have been repaid, and without giving rise to any claim on account of repayments already made.

ARTICLE XVI.

The sequestrations which may have been imposed in Belgium during the troubles, for political causes, on any property or hereditary estates whatsoever, shall be taken off without delay, and the enjoyment of the property and estates abovementioned shall be immediately restored to the lawful owners thereof.

ARTICLE XVII.

In the two countries of which the separation takes place in consequence of the present Articles, inhabitants and proprietors, if they wish to transfer their residence from one country to the other, shall, during two years, be at liberty to dispose of their property, moveable or immoveable, of whatever nature the same may be, to sell it, and to carry away the produce of the sale, either in money or in any other shape, without hindrance, and without the payment of any duties other than those which are now in force in the two countries upon changes and transfers.

It is understood that the collection of the *droit d'aubaine et de détraction* upon the persons and property of Dutch in Belgium, and of Belgians in Holland, is abandoned, both now and for the future.

ARTICLE XVIII.

The character of a subject of the two Governments, with regard to property, shall be acknowledged and maintained.

ARTICLE XIX.

The stipulations of Articles from XI to XXI, inclusive, of the Treaty concluded between Austria and Russia, on the 3rd of May, 1815, which forms an integral part of the General Act of the Congress of Vienna, stipulations relative to persons who possess property in both countries to the election of residence which they are required to make, to the rights which they shall exercise as subjects of either State, and to the relations of neighbourhood in properties cut by the frontiers, shall be applied to such proprietors, as well as to such properties, in Holland, in the Grand Duchy of Luxembourg, or in Belgium, as shall be found to come within the cases provided for by the aforesaid stipulations of the Acts of the Congress of Vienna. It is understood that mineral productions are comprised among the productions of the soil mentioned in Article XX of the Treaty of the 3rd of May, 1815, above referred to. The *droits d'aubaine et de détraction* being henceforth abolished, as between Holland, the Grand Duchy of Luxembourg, and Belgium, it is understood that such of the abovementioned stipulations as may relate to those duties shall be considered null and void in the three countries.

ARTICLE XX.

No person in the territories which change domination, shall be molested or disturbed in any manner whatever, on account of any part which he may have taken, directly or indirectly, in political events.

ARTICLE XXI.

The pensions and allowances of expectants, of persons unemployed or retired, shall in future be paid, on either side, to all those individuals entitled thereto, both civil and military, conformably to the laws in force previous to the 1st November, 1830.

It is agreed that the above-mentioned pensions and allowances to persons born in the territories which now constitute Belgium, shall remain at the charge of the Belgian treasury; and the pensions and allowances of persons born in the territories which now constitute the Kingdom of the Netherlands, shall be at the charge of the Netherland treasury.

ARTICLE XXII.

All claims of Belgian subjects upon any private establishments, such as the widows' fund, and the fund known under the denomination of the *fonds des leges*, and of the chest of civil and military retired allowances, shall be examined by the Mixed Commission mentioned in Article XIII, and shall be determined according to the tenour of the regulations by which these funds or chests are governed.

The securities furnished, as well as the payments made, by Belgian accountants, the judicial deposits and consignments, shall equally be restored to the parties entitled thereto, on the presentation of their proofs.

If, under the head of what are called *the French liquidations*, any Belgian subjects should still be able to bring forward claims to be inscribed, such claims shall also be examined and settled by the said Commission.

ARTICLE XXIII.

All judgments given in civil and commercial matters, all acts of the civil power, and all acts executed before a notary or other public officer under the Belgian administration, in those parts of Limbourg and of the Grand Duchy of Luxembourg, of which His Majesty the King of the Netherlands, Grand Duke of Luxembourg, is to be replaced in possession, shall be maintained in force and validity.

ARTICLE XXIV.

Immediately after the exchange of the Ratifications of the Treaty to be concluded between the two parties, the necessary orders shall be transmitted to the commanders of the respective troops, for the evacuation of the territories, towns, fortresses, and places which change domination. The civil authorities thereof shall also, at the same time, receive the necessary orders for delivering over the said territories, towns, fortresses, and places, to the commissioners who shall be appointed by both parties for this purpose.

This evacuation and delivery shall be effected so as to be completed in the space of fifteen days, or sooner if possible.

(L.S.) PALMERSTON.	(L.S.) DEDEL.
(L.S.) SENFFT.	
(L.S.) H. SEBASTIANI.	
(L.S.) BULOW.	
(L.S.) POZZO DI BORGIO.	

[*A Treaty between Holland and Belgium, comprising the 24 Articles above recited, together with the usual engagement for Peace and Friendship between the Parties, was also signed by the Plenipotentiaries of those two Powers on the 19th of April; and the Ratifications were exchanged at the same time and place as those of the preceding Treaty.*]

2. *Treaty between Great Britain, Austria, France, Prussia, and Russia, on the one part, and Belgium, on the other.*

In the Name of the Most Holy and Indivisible Trinity.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the French, His Majesty the King of Prussia, and His Majesty the Emperor of all the Russias, taking into consideration, as well as His Majesty the King of the Belgians, their Treaty concluded at London on the 15th of November, 1831, as well as the Treaties signed this day between their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of the French, the King of Prussia, and the Emperor of all the Russias, on the one part, and His Majesty the King of the Netherlands, Grand Duke of Luxembourg, on the other part, and between His Majesty the King of the Belgians and His said Majesty the King of the Netherlands, Grand Duke of Luxembourg, their said Majesties have named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John, Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of Her Britannick Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, a Member of Parliament, and Her Britannick Majesty's Principal Secretary of State for Foreign Affairs ;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Frederick Christian Louis, Count de Senfft-Pilsach, Grand Cross of the Imperial Order of Leopold, and of that of St. Joseph of Tuscany, Grand Cross decorated with the Grand Cordon of the Order of St. Maurice and St. Lazarus, Knight of the Orders of St. John of Jerusalem, and of the White Eagle, Grand Cross of the Legion of Honour, of the Order of Merit of Saxony, and of that of St. Stanislaus, &c., Chamberlain and Privy Councillor of His Imperial and Royal Apostolic Majesty, and His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Netherlands ;

His Majesty the King of the French, the Sieur Horace Francis Bastien, Count Sebastiani-Porta, Grand Cross of His Royal Order of the Legion of Honour, Grand Cordon of the Orders of the Crescent of Turkey, of Leopold of Belgium, of St. Ferdinand of Naples, of the Holy Saviour of Greece, Knight of the Order of the Iron Crown, &c. &c., a Lieutenant-General in His Armies, a Member of the Chamber of Deputies in France, His Ambassador Extraordinary and Minister Plenipotentiary to Her Britannick Majesty ;

His Majesty the King of Prussia, the Sieur Henry William, Baron de Bulow, Grand Cross of the Order of the Red Eagle of Prussia of the Second Class, Grand Cross of the Royal Order of the Guelphs, Commander of the Orders of St. Stanislaus of Russia, and of the Falcon of Saxe Weimar, &c., His Chamberlain, Privy Councillor of Legation, Envoy Extraordinary and Minister Plenipotentiary to Her Britannick Majesty ;

His Majesty the Emperor of all the Russias, the Sieur Charles Andrew, Count Pozzo di Borgo, a General of Infantry in His Armies, His Aide-de-Camp General, Ambassador Extraordinary and Plenipotentiary to Her Britannick Majesty, Knight of the Orders of Russia, and of the Military Order of St. George of the Fourth Class, Knight of the Order of the Golden Fleece, Grand Cross of the Royal Order of St. Stephen of Hungary, of the Black Eagle and of the Red Eagle of Prussia, of the Order of the Tower and Sword of Portugal, of the Order of St. Ferdinand of Naples, of the Royal Order of the Guelphs, Commander Grand Cross of the Order of the Bath, &c. &c. ;

And His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannick Majesty, Officer of the Order of Leopold, Grand Cross of the Order of Ernest of Saxony

Saxony, of the Order of the Tower and Sword, of the Military and Religious Order of St. Maurice and St. Lazarus, Commander of the Royal Order of the Legion of Honour, &c.

Who, after having communicated to each other their Full Powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the French, His Majesty the King of Prussia, and His Majesty the Emperor of all the Russias, declare, that the Articles hereunto annexed, and forming the tenour of the Treaty concluded this day between His Majesty the King of the Belgians and His Majesty the King of the Netherlands, Grand Duke of Luxembourg, are considered as having the same force and validity as if they were textually inserted in the present Act, and that they are thus placed under the guarantee of their said Majesties.

ARTICLE II.

The Treaty of the 15th of November, 1831, between their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of the French, the King of Prussia, and the Emperor of all the Russias, and His Majesty the King of the Belgians, is declared not to be obligatory upon the High Contracting Parties.

ARTICLE III.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London at the expiration of six weeks, or sooner if possible. This exchange shall take place at the same time as that of the ratifications of the Treaty between Belgium and Holland.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto the seal of their Arms.

Done at London, the nineteenth day of April, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) PALMERSTON.	(L.S.) SYLVAN VAN DE WEYER.
(L.S.) SENFFT.	
(L.S.) H. SEBASTIANI.	
(L.S.) BULOW.	
(L.S.) POZZO DI BORGO.	

Annex to the Treaty signed at London on the 19th of April, 1839, between Great Britain, Austria, France, Prussia, and Russia, on the one part, and Belgium, on the other part.

[*This Annex, signed by the same Plenipotentiaries who signed the preceding Treaty, is word for word the same as the Annex to the Treaty between the Five Powers and the King of the Netherlands.*]

3. *Act of Accession on the part of the Germanic Confederation, to the territorial Arrangements concerning the Grand Duchy of Luxembourg, contained in the first seven Articles of the Annex to the two preceding Treaties.*

THE Plenipotentiaries of the Courts of Great Britain, Austria, Belgium, France, the Netherlands, Prussia, and Russia, having this day signed the Treaties concluded between the Five Courts and His Majesty the King of the Netherlands, Grand Duke of Luxembourg, between Their Majesties the King of the Belgians and the King of the Netherlands, Grand Duke of Luxembourg, and between the Five Courts and His Majesty the King of the Belgians, the Plenipotentiaries have deemed it expedient that the Plenipotentiaries of Austria and Prussia, invested with Full Powers from the Diet of the Germanic Confederation, should be invited to accede, in the name of the said Confederation, to the arrangements concerning the Grand Duchy of Luxembourg, which are contained in the Treaties above mentioned.

In consequence, the Plenipotentiaries of Austria and Prussia, representing the Diet in virtue of the said Full Powers, declares that the Germanic Confederation formally accedes to the territorial arrangements concerning the Grand Duchy of Luxembourg, which are contained in Articles I, II, III, IV, V, VI, and VII, of the Annex to the Treaties this day concluded between the Five Courts and His Majesty the King of the Netherlands, Grand Duke of Luxembourg, and between the Five Courts and His Majesty the King of the Belgians, as well as in the corresponding Articles of the Treaty signed at the same time between His Majesty the King of the Belgians and His Majesty the King of the Netherlands, Grand Duke of Luxembourg. And they take, towards the Courts of Great Britain, Austria, Belgium, France, the Netherlands, Prussia, and Russia, in the name of the Germanic Confederation, the engagement that the Confederation will entirely conform to the stipulations contained in the said Articles, which are hereinafter inserted word for word, so far as they concern the Germanic Confederation.

[*Here follow the first seven Articles of the Annex to the two preceding Treaties.*]

The Plenipotentiaries of Great Britain, Austria, Belgium, France, the Netherlands, Prussia, and Russia, in virtue of their Full Powers, formally accept, in the name of their respective Courts the said Accession on the part of the Germanic Confederation.

The present Act of Accession shall be ratified by the Courts of Great Britain, Austria, Belgium, France, the Netherlands, Prussia, and Russia, and also by the Germanic Confederation, by means of a Decree of the Diet, of which the requisite number of copies shall be prepared. And the respective Acts of ratification shall be exchanged at London at the expiration of six weeks from this date, or sooner if possible, and at the same time as the exchange of the ratifications of the three Treaties above mentioned.

In witness whereof the respective Plenipotentiaries have signed the present Act of Accession, and have affixed thereto the seal of their Arms.

Done at London, the nineteenth day of April, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) PALMERSTON.
 (L.S.) SENFFT.
 (L.S.) SYLVAIN VAN DE WEYER.
 (L.S.) H. SEBASTIANI.
 (L.S.) DEDEL.
 (L.S.) BULOW.
 (L.S.) POZZO DI BORGO.

(L.S.) SENFFT.
 (L.S.) BULOW.

T R E A T Y
RELATIVE TO THE
G R A N D D U C H Y O F L U X E M B U R G.

TREATY between Her Majesty, the Emperor of Austria, the King of the Belgians, the Emperor of the French, the King of Italy, the King of the Netherlands, the King of Prussia, and the Emperor of Russia, relative to the Grand Duchy of Luxemburg.

Signed at London, 11 May 1867.

[*Ratifications exchanged at London, 31 May 1867.*]

Au nom de la très Sainte et Indivisible Trinité.

SA Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, prenant en considération le changement apporté à la situation du Grand Duché par suite de la dissolution des liens qui l'attachaient à l'ancienne Confédération Germanique, a invité Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur d'Autriche, le Roi des Belges, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, à réunir leurs Représentants en Conférence à Londres, afin de s'entendre, avec les Plénipotentiaires de Sa Majesté le Roi Grand Duc, sur les nouveaux arrangements à prendre dans l'intérêt général de la paix.

Et Leurs dites Majestés, après avoir accepté cette invitation, ont résolu d'un commun accord de répondre au désir que Sa Majesté le Roi d'Italie a manifesté de prendre part à une délibération destinée à offrir un nouveau gage de sûreté au maintien du repos général.

En conséquence, Leurs Majestés, de concert avec Sa Majesté le Roi d'Italie, voulant conclure dans ce but un Traité, ont nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honourable Edward Stanley, Lord Stanley, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Membre du Parlement, Son Principal Secrétaire d'Etat pour les Affaires Etrangères ;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Rodolphe Comte Apponyi, Chambellan, Conseiller Intime de Sa Majesté Impériale et Royale Apostolique, Son Ambassadeur Extraordinaire près Sa Majesté Britannique, Chevalier de l'Ordre de la Toison d'Or, Grand-Croix de l'Ordre Impérial de Léopold ;

Sa Majesté le Roi des Belges, le Sieur Sylvain Van de Weyer, Ministre d'Etat, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ; Grand Cordon de Son Ordre de Léopold, décoré de la Croix de Fer, Grand-Croix de l'Ordre des Saints Maurice et Lazare d'Italie, Grand Cordon de l'Ordre de Charles III. d'Espagne, Grand-Croix de l'Ordre de la Tour et de l'Epée de Portugal, Grand-Croix de l'Ordre de la Branche Ernestine de la Maison de Saxe, Commandeur de l'Ordre de la Légion d'Honneur de France ;

Sa Majesté l'Empereur des Français, le Sieur Godefroy Bernard Henri Alphonse, Prince de la Tour d'Auvergne Lauragais, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Grand Officier de Son Ordre Impérial de la Légion d'Honneur, Grand-Croix de l'Ordre de

Saxe-Coburg et Gotha, Grand-Croix de l'Ordre de l'Aigle Rouge de Prusse, &c., &c. ;

Sa Majesté le Roi d'Italie, le Sieur Emmanuel Taparelli de Lagnasco, Marquis d'Azeglio, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, Grand-Croix de l'Ordre des Saints Maurice et Lazare ;

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, le Sieur Adolphe Baron Bentinck, Son Chambellan et Ministre d'Etat, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, Commandeur de son Ordre du Lion Néerlandais, Chevalier Grand-Croix de l'Ordre du la Couronne de Chêne ; le Baron Victor de Tornaco, Ministre d'Etat, Président du Gouvernement du Grand Duché, Son Chambellan Honoraire, Grand-Croix de Son Ordre de la Couronne de Chêne, Grand Cordon de l'Ordre de Léopold de Belgique, Chevalier de l'Ordre de la Couronne de Prusse de première classe, Commandeur de l'Ordre Impérial de la Légion d'Honneur, Chevalier de l'Ordre du Lion Néerlandais, &c. ; et le Sieur Emanuel Servais, Vice-Président du Conseil d'Etat et de la Cour Supérieure de Justice, ancien Membre du Gouvernement, Grand Officier de l'Ordre de la Couronne de Chêne, Chevalier de l'Ordre de l'Aigle Rouge d'Prusse de seconde classe avec l'étoile, et Chevalier de l'Ordre du Lion Néerlandais ;

Sa Majesté le Roi de Prusse, le Sieur Albert, Comte de Bernstorff-Stintenburg, Son Ministre d'Etat et Chambellan, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Grand-Croix de Son Ordre de l'Aigle Rouge avec des feuilles de chêne, et Grand Commandeur de Son Ordre de la Maison Royale de Hohenzollern en diamants, Grand-Croix de l'Ordre Ducal de la Branche Ernestine de la Maison de Saxe, et de l'Ordre Impérial de la Légion d'Honneur de France, Chevalier de l'Ordre Impérial de St. Stanislas de Russie de première classe, Grand-Croix de l'Ordre Royal du Mérite Civil de la Couronne de Bavière, de l'Ordre Impérial du Lion et du Soleil de Perse avec le Grand Cordon vert, de l'Ordre Royal et Militaire du Christ de Portugal, &c. ;

Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe Baron de Brunnow, Son Conseiller Privé Actuel, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, de l'Aigle Rouge de Prusse de première classe, Grand-Croix de l'Ordre du Lion Néerlandais, et Commandeur de l'Ordre de St. Etienne d'Autriche, &c., &c., &c. ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, maintient les liens qui attachent le dit Grand Duché à la Maison d'Orange-Nassau, en vertu des Traités qui ont placé cet Etat sous la souveraineté de Sa Majesté le Roi Grand Duc, ses descendants et successeurs.

Les droits que possèdent les Agnats de la Maison de Nassau sur la succession du Grand Duché, en vertu des mêmes Traités, sont maintenus.

Les Hautes Parties Contractantes acceptent la présente déclaration et en prennent acte.

ARTICLE II.

Le Grand Duché de Luxembourg, dans les limites déterminées par l'Acte annexé aux Traités du 19 Avril 1839 sous la garantie des Cours de la Grande Bretagne, d'Autriche, de France, de Prusse, et de Russie, formera désormais un Etat perpétuellement neutre.

Il sera tenu d'observer cette même neutralité envers tous les autres Etats.

Les Hautes Parties Contractantes s'engagent à respecter le principe de neutralité stipulé par le présent Article.

Ce principe est et demeure placé sous la sanction de la garantie collective des Puissances signataires du présent Traité, à l'exception de la Belgique, qui est elle-même un Etat neutre.

ARTICLE III.

Le Grand Duché de Luxembourg étant neutralisé, aux termes de l'Article précédent, le maintien ou l'établissement de places fortes sur son territoire devient sans nécessité comme sans objet.

En conséquence, il est convenu d'un commun accord que la ville de Luxembourg, considérée par le passé, sous le rapport militaire, comme forteresse Fédérale, cessera d'être une ville fortifiée.

Sa Majesté le Roi Grand Duc se réserve d'entretenir dans cette ville le nombre de troupes nécessaire pour y veiller au maintien du bon ordre.

ARTICLE IV.

Conformément aux stipulations contenues dans les Articles II et III, Sa Majesté le Roi de Prusse déclare que ses troupes actuellement en garnison dans la forteresse de Luxembourg recevront l'ordre de procéder à l'évacuation de cette place immédiatement après l'échange des ratifications du présent Traité. On commencera simultanément à retirer l'artillerie, les munitions, et tous les objets qui font partie de la dotation de la dite place forte. Durant cette opération, il n'y restera que le nombre de troupes nécessaire pour veiller à la sûreté du matériel de guerre et pour en effectuer l'expédition, qui s'achèvera dans le plus bref délai possible.

ARTICLE V.

Sa Majesté le Roi Grand Duc, en vertu des droits de souveraineté qu'il exerce sur la ville et forteresse de Luxembourg, s'engage de son côté à prendre les mesures nécessaires, afin de convertir la dite place forte en ville ouverte, au moyen d'une démolition que Sa Majesté jugera suffisante pour remplir les intentions des Hautes Parties Contractantes exprimées dans l'Article III du présent Traité. Les travaux requis à cet effet commenceront immédiatement après la retraite de la garnison. Ils s'effectueront avec tous les ménagements que réclament les intérêts des habitants de la ville.

Sa Majesté le Roi Grand Duc promet en outre que les fortifications de la ville de Luxembourg ne seront pas rétablies à l'avenir, et qu'il n'y sera maintenu ni créé aucun établissement militaire.

ARTICLE VI.

Les Puissances signataires du présent Traité constatent que la dissolution de la Confédération Germanique ayant également amené la dissolution des liens qui unissaient le Duché de Limbourg collectivement avec le Grand Duché de Luxembourg à la dite Confédération, il en résulte que les rapports, dont il est fait mention aux Articles III, IV, et V du Traité du 19 Avril, 1839, entre le Grand Duché et certains territoires appartenant au Duché de Limbourg, ont cessé d'exister, les dits territoires continuant à faire partie intégrante du Royaume des Pays Bas.

ARTICLE VII.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres dans l'espace de quatre semaines, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le sceau de leurs armes.

Fait à Londres, le onze Mai, l'an de grace mil huit cent soixante-sept.

(L.S.)	STANLEY.
(L.S.)	APPONYI.
(L.S.)	VAN DE WEYER.
(L.S.)	LA TOUR D'AUVERGNE.
(L.S.)	D'AZEGLIO.
(L.S.)	BENTINCK.
(L.S.)	TORNACO.
(L.S.)	E. SERVAIS.
(L.S.)	BERNSTORFF.
(L.S.)	BRUNNOW.

(Translation.)

In the Name of the Most Holy and Indivisible Trinity.

HIS Majesty the King of the Netherlands, Grand Duke of Luxemburg, taking into consideration the change produced in the situation of the Grand Duchy in consequence of the dissolution of the ties by which it was attached to the late Germanic Confederation, has invited Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the King of the Belgians, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, to assemble their Representatives in Conference at London, in order to come to an understanding, with the Plenipotentiaries of His Majesty the King Grand Duke, as to the new arrangements to be made in the general interest of peace.

And Their said Majesties, after having accepted that invitation, have resolved by common consent, to respond to the desire manifested by His Majesty the King of Italy to take part in a deliberation destined to offer a new pledge of security for the maintenance of the general tranquillity.

In consequence, Their Majesties, in concert with His Majesty the King of Italy, wishing to conclude a Treaty with a view to that object, have named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Edward Stanley, commonly called Lord Stanley, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, Her Principal Secretary of State for Foreign Affairs ;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Rudolph Count Apponyi, Chamberlain and Privy Councillor of His Imperial and Royal Apostolic Majesty, His Ambassador Extraordinary to Her Britannic Majesty, Knight of the Order of the Golden Fleece, Grand Cross of the Imperial Order of Leopold ;

His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, Minister of State, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cordon of His Order of Leopold, decorated with the Iron Cross, Grand Cross of the Order of Saint Maurice and Saint Lazarus of Italy, Grand Cordon of the Order of Charles III of Spain, Grand Cross of the Order of the Tower and Sword of Portugal, Grand Cross of the Order of the Ernestine Branch of the House of Saxony, Commander of the Order of the Legion of Honour of France ;

His Majesty the Emperor of the French, the Sieur Godfrey Bernard Henry Alphonse, Prince de la Tour d'Auvergne Lauraguais, His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Grand Officer of His Imperial Order of the Legion of Honour, Grand Cross of the Order of Saxe-Coburg and Gotha, Grand Cross of the Order of the Red Eagle of Prussia, &c., &c. ;

His Majesty the King of Italy, the Sieur Emmanuel Taparelli de Lagnasco, Marquis d'Azeglio, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of the Order of St. Maurice and St. Lazarus ;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, the Sieur Adolphus Baron Bentinck, His Chamberlain and Minister of State, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Commander of His Order of the Netherlands Lion, Knight Grand Cross of the Order of the Oaken Crown ; the Baron Victor de Tornaco, Minister of State, President of the Government of the Grand Duchy, His Honorary Chamberlain, Grand Cross of His Order of the Oaken Crown, Grand Cordon of the Order of Leopold of Belgium, Knight of the Order of the Crown of Prussia of the first class, Commander of the Imperial Order of the Legion of Honour, Knight of the Order of the Netherlands Lion, &c. ; and the Sieur Emanuel Servais, Vice-President of the Council of State and of the Superior Court of Justice, formerly Member of the Government, Grand Officer of the Order of the Oaken Crown, Knight of the Order of the Red Eagle of Prussia of the second class with the Star, and Knight of the Order of the Netherlands Lion ;

His Majesty the King of Prussia, the Sieur Albert Count de Bernstorff-Stintenburg, His Minister of State and Chamberlain, His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Grand Cross of His Order of the

Red

Red Eagle with oak leaves, and Grand Commander of His Order of the Royal House of Hohenzollern in diamonds, Grand Cross of the Ducal Order of the Ernestine Branch of the House of Saxony, and of the Imperial Order of the Legion of Honour of France, Knight of the Imperial Order of St. Stanislaus of Russia of the first class, Grand Cross of the Royal Order of Civil Merit of the Crown of Bavaria, of the Imperial Order of the Lion and Sun of Persia, with the green Grand Cordon, of the Royal and Military Order of Christ of Portugal, &c. ;

And His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His Actual Privy Councillor, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Knight of the Orders of Russia, Grand Cross of the Imperial Order of the Legion of Honour, of the Red Eagle of Prussia of the first class, Grand Cross of the Order of the Netherland Lion, and Commander of the Order of St. Stephen of Austria, &c. &c.

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles :—

ARTICLE I.

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, maintains the ties which attach the said Grand Duchy to the House of Orange-Nassau, in virtue of the Treaties which placed that State under the sovereignty of the King Grand Duke, his descendants and successors.

The rights which the Agnates of the House of Nassau possess with regard to the succession of the Grand Duchy, in virtue of the same Treaties, are maintained.

The High Contracting Parties accept the present declaration, and place it upon record.

ARTICLE II.

The Grand Duchy of Luxemburg, within the limits determined by the Act annexed to the Treaties of the 19th of April 1839 under the guarantee of the Courts of Great Britain, Austria, France, Prussia, and Russia, shall henceforth form a perpetually neutral State.

It shall be bound to observe the same neutrality towards all other States.

The High Contracting Parties engage to respect the principle of neutrality stipulated by the present Article.

That principle is and remains placed under the sanction of the collective guarantee of the powers signing parties to the present Treaty, with the exception of Belgium, which is itself a neutral State.

ARTICLE III.

The Grand Duchy of Luxemburg being neutralised, according to the terms of the preceding Article, the maintenance or establishment of fortresses upon its territory becomes without necessity as well as without object.

In consequence, it is agreed by common consent that the city of Luxemburg, considered in time past, in a military point of view, as a Federal fortress, shall cease to be a fortified city.

His Majesty the King Grand Duke reserves to himself to maintain in that city the number of troops necessary to provide in it for the maintenance of good order.

ARTICLE IV.

In conformity with the stipulations contained in Articles II and III, His Majesty the King of Prussia declares that his troops actually in garrison in the fortress of Luxemburg shall receive orders to proceed to the evacuation of that place immediately after the exchange of the ratifications of the present Treaty. The withdrawal of the artillery, munitions, and every object which forms part of the equipment of the said fortress shall commence simultaneously. During that operation there shall remain in it no more than the number of troops necessary to provide for the safety of the material of war, and to effect the dispatch thereof, which shall be completed within the shortest time possible.

ARTICLE V.

His Majesty the King Grand Duke, in virtue of the rights of sovereignty which he exercises over the city and fortress of Luxemburg, engages, on his part, to take the necessary measures for converting the said fortress into an open city by means of a demolition which His Majesty shall deem sufficient to fulfil the intentions of the High Contracting Parties expressed in Article III of the present Treaty. The works requisite for that purpose shall be commenced immediately after the withdrawal of the garrison. They shall be carried out with all the attention required for the interests of the inhabitants of the city.

His Majesty the King Grand Duke promises, moreover, that the fortifications of the City of Luxemburg shall not be restored in future, and that no military establishment shall be there maintained or created.

ARTICLE VI.

The Powers signing Parties to the present Treaty recognise that the dissolution of the Germanic Confederation having equally produced the dissolution of the ties which united the Duchy of Limburg, collectively with the Grand Duchy of Luxemburg, to the said Confederation, it results therefrom that the relations, of which mention is made in Articles III, IV, and V of the Treaty of the 19th of April 1839, between the Grand Duchy and certain territories belonging to the Duchy of Limburg, have ceased to exist, the said territories continuing to form an integral part of the Kingdom of the Netherlands.

ARTICLE VII.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London within the space of four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the eleventh day of May, in the year of our Lord one thousand eight hundred and sixty-seven.

(L.S.)	STANLEY.
(L.S.)	APPONYI.
(L.S.)	VAN DE WEYER.
(L.S.)	LA TOUR D'AUVERGNE.
(L.S.)	D'AZEGLIO.
(L.S.)	BENTINCK.
(L.S.)	TORNACO.
(L.S.)	E. SERVAIS.
(L.S.)	BERNSTORFF.
(L.S.)	BRUNNOW.

•

COPY of the TREATY relative to the *Netherlands*, signed at London, 15 November 1831; COPIES of the TREATIES relative to the *Netherlands* and *Belgium*, signed at London, 19 April 1839; and, COPY of the TREATY relative to the Grand Duchy of *Luxemburg*, signed at London, 11 May 1867.

(*Mr. Otway.*)

Ordered, by The House of Commons, to be Reprinted,
2 August 1870.

[*Price 6 d.*]

165

CORRESPONDENCE

RESPECTING THE

TRANSFER OF THE PERSIAN MISSION

TO THE

FOREIGN OFFICE.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.					Page
1. The Earl of Malmesbury to Lord Stanley	..	..	..	..	November 12, 1858 1
Two Inclosures.					
2. Lord Stanley to the Earl of Malmesbury	..	..	..	..	November 17, — 4
3. Lord J. Russell to Sir C. Wood ..	..	..	..	..	October 31, 1859 4
4. Sir C. Wood to Lord J. Russell ..	..	..	..	..	November 1, — 5
5. Lord J. Russell to Sir H. Rawlinson	..	..	..	..	January 1, 1860 6
6. Lord J. Russell to Sir H. Rawlinson	..	..	..	..	January 12, — 6
7. Sir H. Rawlinson to Lord J. Russell	..	..	..	..	February 20, — 7
8. Lord J. Russell to Sir H. Rawlinson	..	..	.	..	April 5, — 8
9. Lord J. Russell to Sir H. Rawlinson	..	..	..	..	April 24, — 8
10. Lord J. Russell to Mr. Alison ..	..	..	..	..	April 24, — 9

Correspondence respecting the Transfer of the Persian Mission to the Foreign Office.

No. 1.

The Earl of Malmesbury to Lord Stanley.

My Lord,

Foreign Office, November 12, 1858.

I HAVE the honour to state to your Lordship that the Government of India being now directly administered by the Crown, it appears to me that it would be desirable that the management of the Diplomatic and Consular correspondence with Persia should be transferred to the Secretary of State for India.

It was placed, as your Lordship is aware, under the superintendence of the Secretary of State for Foreign Affairs in the year 1836, in consequence of its being supposed that the counsels of Great Britain would have more weight with the Persian Government if urged in the name of the Sovereign than if tendered merely on behalf of the East India Company; and from that time the Representatives of the British Government in Persia have always communicated with the Persian Government under credentials from the Crown, although they were also provided with credentials from the Governor-General of India. But, under existing circumstances, there is no longer the same motive for separating the superintendence of British relations with Persia from that Department by which it can most conveniently be exercised; for it cannot be questioned that the interest of Great Britain in Persia is founded on the position which this country occupies in India, and that almost every matter which may come under discussion between this country and Persia more or less concerns the British Government in India.

At the same time, however, the intercourse of Persia with European nations has considerably increased since the year 1836, and many questions may from time to time arise in Persia, in regard to which the diplomatic interference of Her Majesty's Representatives at the several Courts of Europe may be required.

In proposing, therefore, to transfer to the Secretary of State for India the superintendence of British relations with Persia, I think it right to point out, that in the event of that transfer being made, it will be indispensable that the Secretary of State for Foreign Affairs should be kept accurately informed on all diplomatic transactions which may take place with the Court of Teheran, inasmuch as any communications to be held with foreign Courts in regard to such matters must necessarily pass through the Foreign Office.

This also appears to be indispensable in regard to questions which arise in Persia, and which bear more or less upon the relations of that country with Turkey. The practice, therefore, of sending his despatches under flying seal, through Her Majesty's Ambassador at Constantinople, should be continued by the Minister at Teheran.

Your Lordship is aware that the expenses of the Persian Mission have been defrayed by the East India Company, who have paid on that account a sum of 12,000*l.* a-year into the Treasury. I inclose an account which I have received from the Treasury, showing the state of the fund at the present time; and as soon as the arrangement for the transfer has been made, I will apprise the Board of Treasury of the fact, and request that their Lordships will communicate with your Lordship, who will make arrangements to meet charges which may come in between the period of the transfer and the receipt by the Mission in Teheran of instructions from the India Office, as to the manner in which they are to draw for the future. But I may state at once that the salaries of the Envoy and Secretary of Legation have been paid at the Treasury, while those of the subordinate members of the Mission have been paid at Teheran by bills on Her Majesty's Treasury.

With the transfer of the Mission it will be necessary that the Consulates should also be transferred to the Secretary of State for India. These are three in number, namely, a Consulate-General at Tabreez, a Consul at Teheran, and a Consul for Resht and the Caspian ports. The salaries and expenses of these Consuls have hitherto been defrayed from the Consular grant, but henceforth they must be provided by the revenues of India.

I inclose a statement specifying the names of the different officers employed under the direction of this office in Persia, with the rate of salaries assigned to each of them, and the allowances for office expenses in the case of Consuls; and also a general statement of the items of extraordinary expenditure which are allowed to be charged in the Mission accounts.

The correspondence with Persia has been forwarded to Constantinople once a month by the messenger sent with the despatches for Her Majesty's Embassy, and the Embassy has sent on the despatches as far as Tabreez, from whence they have been forwarded by messengers in the service of the Persian Mission. The expenses incurred by the Embassy on this account have formed a charge on the sum paid by the East India Company. The Embassy can, if your Lordship pleases, continue to provide for this service after the transfer, unless, indeed, it should be preferred to leave the duty, as in former times, to an agent paid by the Indian Government; the despatches being in either case forwarded between this country and Constantinople by the Foreign Office messenger.

In order to secure uniformity it may be convenient that the credentials for Ministers and commissions for Secretaries of Legation and Consuls in Persia should continue to be made out in the Foreign Office, although sent when ready for signature to the India Office, in order that the Secretary of State for India may submit them for Her Majesty's signature, and that the Seal may be then affixed to them at the India Office.

It will probably also be most convenient that the whole of the correspondence, both foreign and domestic, with Persia, since the transfer of the Mission in 1836, from the India Company to the Crown, should at once be transferred to the Secretary of State for India, with the understanding that any reference which circumstances may require the Secretary for Foreign Affairs to make to the archives of past years shall be immediately attended to by the Secretary for India; and I shall be prepared, with your concurrence, to give directions accordingly.

As soon as the arrangements set forth in my present letter are concurred in by your Lordship, I will acquaint Her Majesty's Minister and Consuls with the change, and desire them thenceforth to correspond with the India Office instead of with the Foreign Office.

It appears to me desirable to add that the above proposal is intended only as a transfer by the Crown of the duties of one of Her Majesty's Secretaries of State to another for the sake of an improvement in a particular portion of the public service, and that Her Majesty, whose sanction I have obtained to the said transfer, wishes it to be distinctly understood that the appointment of any Ambassador, Minister, Secretary, or Consul, will remain as at present vested exclusively in the Crown.

The Queen having the power to charge any individual Secretary of State with a special duty, would, by my proposal, simply place the duties and responsibility of the Persian Mission in your Lordship's hands instead of mine.

I am, &c.
(Signed) MALMESBURY.

Inclosure 1 in No. 1.

STATEMENT of the Aggregate Sums Received and Expended in each Year since 1845 up to the present time on account of Her Majesty's Mission in Persia.

Years.	Receipts.	Years.	Payments.
	£		£ s. d.
March 1846.. ..	12,000	March 1846.. ..	13,454 9 6
" 1847.. ..	12,000	" 1847.. ..	11,412 7 4
" 1848.. ..	12,000	" 1848.. ..	12,384 17 11
" 1849.. ..	12,000	" 1849.. ..	15,091 13 6
" 1850.. ..	12,000	" 1850.. ..	11,215 1 10
" 1851.. ..	9,000	" 1851.. ..	9,405 3 5
" 1852.. ..	12,000	" 1852.. ..	12,854 12 0
" 1853.. ..	15,000	" 1853.. ..	8,934 19 4
" 1854.. ..	12,000	" 1854.. ..	11,498 9 0
" 1855.. ..	12,000	" 1855.. ..	9,282 1 3
" 1856.. ..	12,000	" 1856.. ..	15,019 14 5
" 1857.. ..	12,000	" 1857.. ..	14,351 13 3
" 1858.. ..	9,000	" 1858.. ..	17,776 8 8
Sept. 1858.. ..	6,000	Sept. 1858.. ..	7,835 0 1
	(Six Months)		(Six Months)

(Signed) E. A. HOFFAY.

Paymaster-General's Office, November 9, 1858.

Inclosure 2 in No. 1.

A STATEMENT specifying the Names of the different Officers employed under the direction of the Foreign Office in Persia, with the Rates of Salaries assigned to each of them, and the Allowances for Office Expenses in the case of Consuls; and also a General Statement of the items of Extraordinary Expenditure which are allowed to be charged in the Mission Accounts.

Rank or Station.	Name.	Salary.	Contingencies, or Extraordinary Expenses charged in the Quarterly Accounts of the Mission,					Total.
			Quarter ended Sept. 30, 1857.	Quarter ended Dec. 31, 1857.	Quarter ended March 31, 1858.	Quarter ended June 30, 1858.		
		£	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Envoy Extraordinary and Minister Plenipotentiary	Hon. C. A. Murray, C.B.	5,000						
	William Doria	750						
	Ronald Ferguson Thomson	510						
	William J. Dickson	350						
	Francis Ottwell Adams	250						
	Edmund Douglas Veitch Fane	150						
	Dr. J. R. L. Dickson	600						
	Meerza Agha	218						
	Moolia Mahomed Sauleh	120						
	Total.	7,948						
Consul at Teheran	Richard Stevens, salary Allowance for expenses	500 100						
Consul at Tabreez	Keith Edward Abbott Allowance for expenses	500 150						
Consul at Resht	Chas. Francis Mackenzie Allowance for expenses	500 150						
Total.	1,900							
			Journeys on Service, and removals of the Mission ..					
			Presents to the Shah and family, and customary presents to public officers on the New Year, and on audiences of the Shah ..					
			Expenses of couriers between the residences of the Mission and the frontiers of Turkey ..					
			Ditto between the frontiers of Turkey and Constantinople ..					
			Rent of houses for the Mission, and repairs of furniture for ditto ..					
			Wages of servants and guards attending on the Mission ..					
			Expense of horses kept for the service of the Mission ..					
			Other miscellaneous expenses ..					
						£ s. d.		
						7,948 0 0		
						5,354 10 5		
						Total	13,302 10 5	
						Consular salaries and contingencies	1,900 0 0	

Foreign Office, November 8, 1858.

(Signed)

G. LENOX-CONYNGHAM, Chief Clerk.

Lord Stanley to the Earl of Malmesbury.

My Lord,

India Office, November 17, 1858.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 12th instant, stating that, in the opinion of your Lordship, the Government of India being now directly administered by the Crown, it is expedient to transfer the superintendence of British relations with Persia to the Secretary of State for India, and intimating that the sanction of Her Majesty has been given to the proposed arrangement.

In the considerations which have prompted your Lordship to suggest this important change I entirely concur; and strongly impressed with the conviction that it will promote the interests of India, I cheerfully take upon myself the additional responsibilities which it involves. I shall lose no time in laying before the Council of India your Lordship's letter, with my reply, and requesting them to sanction such financial arrangements as may be rendered necessary by the transfer.

To the suggestions offered by your Lordship with respect to the conduct of the diplomatic correspondence, every attention shall be paid. I appreciate the importance of keeping Her Majesty's Secretary of State for Foreign Affairs, and Her Majesty's Ambassador at Constantinople, fully informed of all matters connected with the relations of the British Government with the Court of Tehran.

For the reception of the records, which your Lordship proposes to transfer to the India Office, immediate arrangements will be made. I need not add that every facility of access to them will at all times be afforded to the Department over which your Lordship presides.

I do not conceive that it would at present be advantageous to disturb the existing arrangements for the conveyance of the correspondence between Great Britain and Persia, though the system of intercommunication between the two countries may, at some future period, be otherwise determined by the extension of railroads and electric telegraphs.

I have only to add that I concur in the suggestion offered by your Lordship with respect to the preparation at the Foreign Office of credentials for Ministers and commissions for Secretaries of Legation and Consuls in Persia. It will be the duty of the Secretary of State for India to recommend to Her Majesty fit persons for appointment to these offices; but to secure uniformity, the forms of appointment may expediently be made out at the Foreign Office, and then forwarded to this Department for the seal and signature of the Secretary of State for India.

I am, &c.
(Signed) STANLEY.

Lord J. Russell to Sir C. Wood.

Sir,

Foreign Office, October 31, 1859.

I HAVE the honour to state to you, that having had under my consideration the arrangement by which the Diplomatic and Consular correspondence with Persia was transferred to the Secretary of State for India, I am of opinion that it is advisable that that correspondence should be again placed under the direction of the Secretary of State for Foreign Affairs. It appears by the letter which was addressed by my predecessor on the 12th November last to Lord Stanley, that the principal reason for transferring the Persian business to the Secretary of State for India, was that almost every matter which comes under discussion between this country and Persia more or less concerns the British Government in India. But although this may be true in so far that the more immediate vicinity of Her Majesty's Indian possessions to the Persian territory is the chief ground of the interest of this country in Persian affairs, it does not appear to me to follow that the most convenient and effective mode of carrying on the correspondence of Her Majesty's Government with the Government of the Shah is through the Secretary of State for India.

There are at the Persian Court Representatives of France, Russia, and Turkey, and the matters to be treated of by Her Majesty's Minister at Teheran are necessarily connected with the relations between England and those three Powers.

It is necessary, therefore, that the Secretary of State who has to convey instructions to the British Minister at Teheran should be intimately acquainted with all that is passing

on Eastern affairs between Her Majesty's Government and the French, Russian, and Turkish Governments.

The only point of actual contact between Persian politics and the administration of India is the policy to be pursued in regard to Afghanistan, but it must at all times be far easier for the Secretary of State for Foreign Affairs to procure from his colleague at the India Office any Indian information which he may require in regard to Afghanistan, than it would be for the Secretary of State for India to make himself master of what may have passed between Her Majesty's Government and those of France, Russia, and Turkey on matters which may be essential as a guide for instructions to be given to the British Minister and Consuls in Persia.

For these reasons, therefore, it seems to me that it would be far better that the former arrangement should be restored; and, if you concur in my opinion, I propose that the retransfer should take place immediately, as it would be desirable that, if the Persian correspondence is to be replaced under the direction of the Secretary of State for Foreign Affairs, the Persian Envoy who is about to arrive in this country should be placed in communication with this office from the time of his arrival.

With regard to the payment of the expenses of the Diplomatic and Consular establishments in Persia, I propose that the arrangement should be precisely the same as that which was in force before the transfer of the Persian correspondence from this Office to the Secretary of State for India; that is to say, that the Indian Government should pay on that account into Her Majesty's Treasury a sum of 12,000*l.* a-year. And as soon as I am informed of your concurrence in this proposal, I will acquaint the Board of Treasury, and will request their Lordships to communicate with you and to make the required financial arrangements.

It will be necessary that the whole of the correspondence, both foreign and domestic, which was transferred from this office to the Secretary of State for India, and all similar correspondence which has since been carried on by the Secretary of State for India, should be transferred to this office.

I do not enter into any further details, as it is my intention, if you concur, that the management of the Persian correspondence, both Diplomatic and Consular, as well as the financial arrangements connected with our establishments in Persia, should be simply replaced in all respects on the same footing as it was on before the transfer to the Secretary of State for India. I have only further to add, that I have obtained Her Majesty's sanction to the proposed return to the former arrangements.

I have, &c.

(Signed) J. RUSSELL

No. 4.

Sir C. Wood to Lord J. Russell.—(Received November 8.)

My Lord,

India Office, November 1, 1859.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of yesterday's date, proposing, with the consent of Her Majesty, that the superintendence of British relations with the Court of Persia, which were transferred to the Secretary of State for India in November last, shall be immediately retransferred to the Secretary of State for Foreign Affairs; and I have to inform you that I entirely concur in that proposal.

The arrangements for the future should be placed on precisely the same footing as they were before the transfer of this business to the Secretary of State for India.

All the records of the Persian Department in this office will be reconveyed to the Foreign Office with the utmost possible despatch.

The officer who has been appointed to receive the Persian Envoy, and to conduct him to London, has been instructed to report the Envoy's arrival to your Lordship.

With respect to the financial arrangements consequent on this charge, I will communicate with your Lordship when I have consulted the Council of India on the subject.

The Secretary of State for Foreign Affairs will, of course, furnish the India Office with copies of all letters from Persian Missions or Consulates in any way bearing upon the politics of India, or of the countries of Central Asia. I have to request that these letters may be marked "Secret."

I have, &c.

(Signed) CHARLES WOOD.

Lord J. Russell to Sir H. Rawlinson.

Sir,

Foreign Office, January 1, 1860.

I HAVE to acquaint you that, with Her Majesty's approval, the superintendence and control of Her Majesty's Diplomatic and Consular Servants in Persia are replaced in the hands of Her Majesty's Secretary of State for Foreign Affairs, from whom you will henceforth receive such directions for your guidance as may be deemed necessary from time to time, and to whom you will address your correspondence on public matters. As, however, it is desirable that Her Majesty's Secretary of State for India should be kept informed of all matters connected with public affairs in Persia, and more especially those bearing on Indian politics, you will transmit copies of all your despatches to this Office on such matters to the Secretary of State for India in the Secret Department, in the same manner as copies of such despatches were formerly transmitted to the Secret Committee of the Court of Directors.

The pecuniary affairs of the Mission will be replaced precisely on the same footing on which they stood previously to the transfer of the control of the Mission in the year 1858 to the India Office, and you will regulate your expenditure, as well as all other matters connected with the Mission, by the rules then observed; and you will especially bear in mind, that no expenditure of an unusual character is to be incurred without previous reference to this Office.

I should wish also that you should direct your early attention to the contingent expenditure of the Mission, which had for some time before the transfer of 1858 been continually increasing.

I shall not object to sanctioning expenditure the propriety of which is satisfactorily made out; but I cannot too strongly impress upon you the absolute necessity of observing the strictest economy in the disbursement of the public money.

I understand from the India Office that on your departure for Persia you were allowed to provide certain presents, which, however, were not to be given at once on your arrival in Persia, but merely to be kept by you for use when you require them. I see no reason to disturb this arrangement, but I have to instruct you to be very careful not to allow it to be supposed that this deviation from the established practice of the British Mission implies a departure from that practice for the future. Her Majesty's Government are not prepared to enter into a competition with other Powers in the distribution of presents, and they desire, on the contrary, to abide by the salutary regulation on that point which has heretofore been acted upon by Her Majesty's Government in Persia, as well as in all other countries.

The transmission of your correspondence with this Office will be regulated by the arrangements existing up to the time of the transfer in 1858, and Her Majesty's Ambassador at Constantinople will provide for such portion of the expenditure on this head as was formerly under his control.

I have to add that all expenditure incurred by you up to the 31st December, 1859, will be provided for by the India Office, the liability of Her Majesty's Treasury not commencing before the 1st January, 1860.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Sir H. Rawlinson.

Sir,

Foreign Office, January 12, 1860.

THE Secretary of State for India has communicated to me your memorandum respecting the system of account to be observed in the Persian Mission and Consulates, and the decision of the Council of India, dated the 5th of May last, on the arrangements proposed by you.

Those arrangements are necessarily inapplicable to the state of things consequent on the retransfer of the Mission to the superintendence of this Office; and as I stated to you in my despatch of the 1st instant, the pecuniary affairs of the Mission are now to be replaced on the footing on which they previously stood.

Accordingly, the salaries of the Minister and Secretary of Legation will, as formerly, be paid at the Paymaster-General's Office, Whitehall, to any person whom they may

appoint to receive the same, as soon after the expiration of each quarter as they shall have furnished this Office, for communication to the Paymaster-General, with a life certificate dated the last day of the quarter.

The Minister will continue to pay the salaries of the Attachés, Surgeon, and Persian Secretaries, as heretofore, by bills drawn at the expiration of each quarter, at thirty days sight, on the Lords Commissioners of Her Majesty's Treasury, due notice being given to this Office and to the Treasury of the bills so drawn; and the receipts of the several parties for each quarter being annexed as vouchers in support of the quarterly account which the Minister will furnish of such bills.

The account of the contingent expenses of the Mission must be transmitted to this Office quarterly, and every item of charge inserted in it must be supported, as far as possible, by vouchers; and the Minister, if he finds it convenient, may draw on the Lords of the Treasury at the end of each month, on account of those expenses, a sum not exceeding the third part of their average amount, and at the expiration of the quarter he may draw for the balance, leaving for adjustment in a future account any sums which, on an examination of the account may be disallowed.

The Minister will append to the account of the contingent expenses a statement of the dates and amounts of the bills drawn on account thereof in the course of the quarter.

During the temporary employment of Mr. Dickson, as Acting Consul at Tabreez, and of Mr. Abbott, as Commissioner of Claims at Teheran, the expenditure in regard to their personal allowance of 2 tomans a day may be included in the contingent expenses of the Mission, on the ground that the charges incurred on this account originate in a diplomatic arrangement. But as regards all other Consular charges, such as salaries and allowances in lieu of contingencies, the Mission will be entirely relieved from the necessity of providing for them, and the Consuls will receive instructions to revert to the former practice in regard to their accounts.

In a list of the Members of the Mission and Consulates which has been furnished to me by the India Office, I have noticed the names of two gentlemen, one of whom is designated as Acting Secretary to the Mission, and the other as Acting Consul at Teheran. I am not able to write to you by this mail respecting these appointments, as I wish, in the first instance, to ascertain from the Secretary of State for India some particulars respecting them.

I observe that the Council of India on your recommendation sanctioned the appointment of an Accountant to the Mission. That office was, however, on the death of Mr. Read, and on the recommendation of your predecessor, abolished as unnecessary, and the salary formerly assigned to it was divided in certain proportions among the Attachés.

I cannot suppose that, as regards this Office, it is necessary to re-establish the post of Accountant, and I have accordingly requested the Secretary of State for India to direct the authorities in India to defer complying with any requisition which they may have received from you for the dispatch of such an officer to Teheran. I shall be ready, however, to receive any observations you may desire to make in support of the necessity of such an officer being attached to the Mission for Foreign Office purposes; but in the meanwhile I wish you to defer taking any steps for his appointment.

Since I wrote to you on the 1st instant I have had before me Mr. Doria's account for contingent expenses during the quarter ending the 30th of September last, amounting to 2,044*l.* 13*s.* 5*d.* The expenses attendant on Mr. Doria's journey to Sultanieh, on that of Captain Mackenzie to Asterabad, and on Mr. Dickson's, and Mr. Abbott's employment on a detached service, constitute a very large portion of this sum; but the remainder, which seems to comprise ordinary expenses, is still considerable, and I wish you, therefore, to accompany the first account of contingent expenses which you may send to this Office, with an explanation in detail of the several items, and a statement of the reasons why such expenses, and to such an amount, should be incurred as a charge on the public.

I am, &c.

(Signed) J. RUSSELL.

No. 7.

Sir H. Rawlinson to Lord J. Russell.—(Received March 20.)

My Lord, *Teheran, February 20, 1860.*

WHEN I accepted the appointment of Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Court of Persia, in the spring of last year, I had no

personal objects to serve, either of advancement or emolument. I took office simply as a matter of public duty, in connection with my immediate line of employment.

As I had been for more than twenty-eight years in the Indian Service, and for four years in the Indian Department of the Government at home, it seemed to be in harmony with my previous career that I should take on myself the duties of the Teheran Mission under the direction of the India Office; and I also thought that, as the conduct of our relations with the Court of Persia would, under the control of the India Office, be naturally placed on the same liberal footing in regard to presents and contingent expenditure which, in deference to Oriental usage, is sanctioned for all other diplomatic establishments in the East, I might be able to recover for the British Mission at Teheran that influential position which it formerly occupied, and thus do good service to my country. These views, however, have been entirely altered by the retransfer of the Persian Mission to the Foreign Office, and the instructions consequent on that retransfer which were communicated to me in your Lordship's despatches of the 1st and 12th ultimo respectively. In the first place, I find myself taken out of the line to which I belong, and attached to a Department on which I have no claim, and with the regulations and traditions of which I am comparatively unacquainted; and, secondly, I am required to observe certain principles of action, as established for the general guidance of Her Majesty's Diplomatic Service, which I conscientiously believe to be inapplicable to Persia, and to be incompatible with the acquisition or retention of influence at this Court.

As the conditions under which I took office have been thus essentially altered by circumstances beyond my control, and as I can no longer indulge a hope of being able to serve in this country either with credit to myself or with advantage to the Government, I take this first opportunity, after being officially informed of the retransfer of our relations with Persia to the Foreign Office, respectfully to tender my resignation of the post of Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of the Shah.

It will rest with Her Majesty's Government to decide on the exact period of my retirement from the charge of the Persian Mission. If your Lordship should be pleased to dispense with my services at once, I shall be glad to move from Teheran before the hot weather sets in. If, on the other hand, there should be any matter of urgency which may require my presence, or your Lordship should think it desirable on general grounds that I should wait to be relieved by the Minister who may be appointed to succeed me, then I shall be prepared to remain the summer at Teheran; and, under any circumstances, I shall of course consider myself bound to follow out, with the utmost exactitude, your Lordship's instructions with regard to presents and economy of expenditure, during my remaining brief tenure of office.

I have, &c.
(Signed) H. RAWLINSON.

No. 8.

Lord J. Russell to Sir H. Rawlinson.

Sir,

Foreign Office, April 5, 1860.

I HAVE received and laid before the Queen your despatch of the 20th February tendering your resignation of the office of Her Majesty's Envoy Extraordinary and Plenipotentiary at the Court of Persia; and I am to inform you that Her Majesty has been graciously pleased to accept the same.

I will acquaint you as soon as possible with the arrangement which may be made for supplying your place, and with the time at which you will be at liberty to quit Teheran.

I am, &c.
(Signed) J. RUSSELL.

No. 9.

Lord J. Russell to Sir H. Rawlinson.

Sir,

Foreign Office, April 24, 1860.

I STATED to you in my despatch of the 5th instant that I would acquaint you as soon as possible with the arrangement which might be made for supplying your place as Her Majesty's Representative at the Court of Persia, and with the time at which you would be at liberty to quit Teheran.

You will probably have received information on both of these points from Sir Henry Bulwer ; and I have, therefore, only now to instruct you to announce to the Persian Government that the Queen has been pleased to appoint Mr. Alison to be Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of the Shah, and to express Her Majesty's hope that this appointment will prove agreeable to His Persian Majesty.

Mr. Alison will probably reach Teheran very shortly after you receive this despatch ; and so soon afterwards as you have taken leave of the Shah, you may quit Teheran on your return to England.

You will make over to Mr. Alison the archives, cyphers, and other public property.

As your functions will cease on the arrival of Mr. Alison, I reserve for my correspondence with him such observations and instructions as are called for by your various despatches ; but I have the satisfaction to acquaint you generally that the Queen entirely approves your proceedings as reported in those despatches, and your conduct in the execution of your duties as Her Majesty's Representative at the Court of Persia.

For myself personally I take leave to express my regret that our official intercourse should thus early have been brought to an end. Your knowledge and abilities would have induced me to place the utmost reliance on your information and advice.

I am, &c.

(Signed) J. RUSSELL.

No. 10.

Lord J. Russell to Mr. Alison.

(Extract.)

Foreign Office, April 24, 1860.

IT is impossible for the British Government, whose finances are under the control of Parliament, to attempt to vie with other countries in propitiating, by costly presents, the good-will of foreign Sovereigns or their Ministers ; and it is clearly more dignified to abstain altogether from giving presents, than to give them of inferior value.

The practice has been discontinued in British diplomacy, and we have found no inconvenience to arise from its discontinuance. You must be yourself aware that the British Ambassador at Constantinople has not less influence than becomes his position, although he does not, as in former times, inaugurate his arrival and reception by the Sultan by a profuse distribution of expensive presents ; and the British Representatives in China, Japan, and Siam do not require any such introduction to make their presence acceptable to the rulers and authorities of those countries, or to insure their representation being listened to with a due degree of attention.

It is an object with Persia to be considered within the pale of European diplomacy ; and one of the conditions of that state, as far as the British Government is concerned, is, that the Representatives of the Queen should not be obliged to conciliate the favour of foreign Potentates or their Ministers by making presents to them on the part of Her Majesty.

This system, once understood, and steadily adhered to, will be appreciated and respected by Eastern Governments.

CORRESPONDENCE respecting the Transfer of the
Persian Mission to the Foreign Office.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS.

721

CORRESPONDENCE

RESPECTING THE

CAPTURE

OF

MESSRS. JOHN AND JOHN ANTONIO BONNELL

BY

SPANISH BRIGANDS

NEAR

GIBRALTAR.

Presented to the House of Lords by Command of Her Majesty.
1870.

LIST OF PAPERS.

No.								Page
1.	Sir R. Airey to the Earl of Clarendon	..	..	..	(Telegraphic)	May	22, 1870	1
2.	The Earl of Clarendon to Mr. Layard	..	..	..	(Telegraphic)	May	23, —	1
3.	Mr. Layard to the Earl of Clarendon	..	..	..	(Telegraphic)	May	23, —	1
4.	Mr. Hammond to Sir F. Rogers	..	..	..	..	May	23, —	1
5.	Mr. Hammond to Sir F. Rogers	..	..	..	..	May	23, —	2
6.	Sir F. Rogers to Mr. Hammond	..	..	..	..	May	23, —	2
	One Inclosure.							
7.	Mr. Layard to the Earl of Clarendon	..	..	..	(Telegraphic)	May	23, —	2
8.	Mr. Layard to the Earl of Clarendon	..	..	..	(Telegraphic)	May	24, —	2
9.	Mr. Hammond to Sir F. Rogers	..	..	..	..	May	24, —	3
10.	Sir F. Rogers to Mr. Hammond	..	..	..	..	May	24, —	3
	One Inclosure.							
11.	Mr. Layard to the Earl of Clarendon	..	..	..	(Telegraphic)	May	24, —	3
12.	Sir F. Rogers to Mr. Hammond	..	..	..	..	May	24, —	4
13.	Sir F. Rogers to Mr. Hammond	..	..	..	..	May	25, —	4
	One Inclosure.							
14.	Mr. Hammond to Sir F. Rogers	..	..	..	..	May	25, —	4
15.	Mr. Layard to the Earl of Clarendon	..	..	..	(Telegraphic)	May	26, —	5
16.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	23, —	5
17.	Sir F. Rogers to Mr. Hammond	..	..	..	..	May	26, —	5
	One Inclosure.							
18.	Mr. Hammond to Sir F. Rogers	..	..	..	..	May	26, —	6
19.	The Earl of Clarendon to Mr. Layard	..	..	..	..	May	27, —	6
20.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	24, —	6
	Two Inclosures.							
21.	The Earl of Clarendon to Mr. Layard	..	..	..	..	May	27, —	9
22.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	25, —	10
	Five Inclosures.							
23.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	26, —	15
	One Inclosure.							
24.	Mr. Hammond to Sir F. Rogers	..	..	..	..	May	30, —	16
25.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	26, —	16
	Seven Inclosures.							
26.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	27, —	19
	Two Inclosures.							
27.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	28, —	19
28.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	28, —	20
	Three Inclosures.							
29.	Consul Reade to the Earl of Clarendon	..	..	..	..	May	24, —	21
	One Inclosure.							
30.	Consul Reade to the Earl of Clarendon	..	..	..	..	May	25, —	21
	One Inclosure.							
31.	Mr. Herbert to Mr. Hammond	..	..	..	..	May	31, —	22
	Twelve Inclosures.							
32.	Mr. Herbert to Mr. Hammond	..	..	..	..	June	1, —	24
	Two Inclosures.							
33.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	30, —	25
	Three Inclosures.							
34.	Mr. Layard to the Earl of Clarendon	..	..	..	..	May	31, —	27
	One Inclosure.							
35.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June	1, —	28
36.	Mr. Layard to the Earl of Clarendon	..	..	..	(Telegraphic)	June	4, —	28
37.	Mr. Layard to the Earl of Clarendon	..	..	..	(Telegraphic)	June	4, —	28
38.	Sir R. Airey to the Earl of Clarendon	..	..	..	(Telegraphic)	June	4, —	28
39.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June	3, —	28
	One Inclosure.							
40.	Sir F. Rogers to Mr. Hammond	..	..	..	..	June	7, —	29
	Two Inclosures.							
41.	Mr. Layard to the Earl of Clarendon	..	..	..	(Telegraphic)	June	7, —	30
42.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June	4, —	30
43.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June	4, —	30
44.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June	5, —	30
	One Inclosure.							
45.	Consul Reade to the Earl of Clarendon	..	..	..	(Telegraphic)	June	7, —	32
46.	Sir R. Airey to the Earl of Clarendon	..	..	..	(Telegraphic)	June	7, —	32

No.							Page
47.	Mr. Layard to the Earl of Clarendon	..	..	..	(Telegraphic)	June 8, 1870	33
48.	Mr. Herbert to Mr. Hammond	..	..	..	..	June 8, —	33
49.	Mr. Hammond to Mr. Herbert	..	..	..	..	June 8, —	33
50.	Mr. Herbert to Mr. Hammond	..	..	..	..	June 8, —	33
	One Inclosure.						
51.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June 6, —	34
	Three Inclosures.						
52.	Consul Reade to the Earl of Clarendon	..	..	..	(Telegraphic)	June 8, —	36
53.	The Earl of Clarendon to Mr. Layard	..	..	..	..	June 9, —	36
54.	Mr. Hammond to Sir F. Rogers	..	..	..	..	June 9, —	36
55.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June 7, —	36
	Three Inclosures.						
56.	Mr. Herbert to Mr. Hammond	..	..	..	..	June 9, —	37
57.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June 8, —	38
	Four Inclosures.						
58.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June 8, —	39
	Three Inclosures.						
59.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June 8, —	40
60.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June 8, —	40
	Two Inclosures.						
61.	The Secretary to the Admiralty to Mr. Hammond	..	..	..	..	June 10, —	42
	One Inclosure.						
62.	The Earl of Clarendon to Mr. Layard	..	..	..	..	June 11, —	42
63.	The Earl of Clarendon to Mr. Layard	..	..	..	..	June 13, —	43
64.	Mr. Hammond to Mr. Herbert	..	..	..	..	June 13, —	43
65.	Mr. Hammond to Mr. Herbert	..	..	..	..	June 13, —	43
66.	Mr. Hammond to Sir F. Rogers	..	..	..	..	June 13, —	44
67.	Consul Reade to the Earl of Clarendon	..	..	..	..	June 6, —	44
	One Inclosure.						
68.	Consul Reade to the Earl of Clarendon	..	..	..	..	June 7, —	46
	One Inclosure.						
69.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June 9, —	46
	One Inclosure.						
70.	Consul Reade to the Earl of Clarendon	..	..	..	..	June 8, —	47
71.	Mr. Layard to the Earl of Clarendon	..	..	..	..	June 11, —	47
72.	The Secretary to the Admiralty to Mr. Hammond	..	..	..	..	June 13, —	47
	Five Inclosures.						
73.	Mr. Herbert to Mr. Hammond	..	..	..	..	June 15, —	49
	Three Inclosures.						
74.	Consul Reade to the Earl of Clarendon	..	..	..	..	June 11, —	50
75.	Sir F. Rogers to Mr. Hammond	..	..	..	..	June 17, —	51
	One Inclosure.						
76.	Mr. Herbert to Mr. Hammond	..	..	..	..	June 17, —	51
	Sixteen Inclosures.						
77.	Mr. Herbert to Mr. Otway	..	..	..	..	June 18, —	55
	Eleven Inclosures.						
78.	Mr. Hammond to Sir F. Rogers	..	..	..	..	June 21, —	59
79.	Mr. Herbert to Mr. Hammond	..	..	..	..	June 22, —	60
	Two Inclosures.						
80.	Mr. Herbert to Mr. Hammond	..	..	..	..	June 22, —	60
	Three Inclosures.						

Correspondence respecting the Capture of Messrs. John and John Antonio Bonnell by Spanish Brigands, near Gibraltar.

No. 1.

Sir R. Airey to the Earl of Clarendon.—(Received May 23.)

(Telegraphic.)

San Roque, May 22, 1870, 1.25 P.M.

Messrs. John Bonnell and John Antonio Bonnell, highly respectable British subjects, were captured and carried off last evening by Spanish brigands, at about four miles from Gibraltar, in Spanish territory. I am in communication with Mr. Layard, and the Spanish authorities at San Roque and Algeciras.

No. 2.

The Earl of Clarendon to Mr. Layard.

(Telegraphic.)

Foreign Office, May 23, 1870.

GOVERNOR of Gibraltar reports, that he has acquainted you with the capture of two British subjects by brigands, near that place. You will press the Spanish Government, in the most urgent terms, to take effectual measures for their safety and release, and for the punishment of the brigands, and report fully to me on the subject, and also to the Governor. It may be presumed they were residents at Gibraltar.

We earnestly request the Government to take warning by what has happened in Greece, and not to pursue the brigands with troops until the captives are released.

No. 3.

Mr. Layard to the Earl of Clarendon.—(Received May 23, 1.45 P.M.)

(Telegraphic.)

Madrid, May 23, 1870, 9.40 A.M.

GOVERNOR of Gibraltar informs me that two British subjects, named Bonnell, were captured on Saturday evening by brigands, four miles from Gibraltar. I have seen Minister for Foreign Affairs; and orders were immediately sent to all authorities, military and civil, to do all in their power for the liberation of the captives, and to put them, if necessary, in communication with the Governor.

No. 4.

Mr. Hammond to Sir F. Rogers.

Sir,

Foreign Office, May 23, 1870.

I AM directed by the Earl of Clarendon to transmit to you herewith, for the information of Lord Granville, a copy of a telegram which his Lordship has received from the Governor of Gibraltar, reporting the capture of two British subjects by Spanish brigands, near that place; and also the copy of a telegram which Lord Clarendon has addressed to Her Majesty's Minister at Madrid, with regard to this matter.*

I am, &c.

(Signed) E. HAMMOND.

* Nos. 1 and 2.

No. 5.

Mr. Hammond to Sir F. Rogers.

Sir,

Foreign Office, May 23, 1870.

WITH reference to my letter of this day, I am directed by the Earl of Clarendon to transmit to you, for the information of Earl Granville, the accompanying copy of a telegram which has been received from Her Majesty's Minister at Madrid,* relative to the capture by Spanish brigands of the two British subjects, near Gibraltar.

I am, &c.
(Signed) E. HAMMOND.

No. 6

Sir F. Rogers to Mr. Hammond.—(Received May 24.)

Sir,

Downing Street, May 23, 1870.

I AM directed by Earl Granville to transmit to you, to be laid before the Earl of Clarendon, a copy of a telegram which has been received from the Governor of Gibraltar, reporting the capture by Spanish brigands, about four miles from Gibraltar, of two British subjects.

Lord Granville would be glad to receive Lord Clarendon's suggestions as to the course which should be taken in the matter, and will readily give any such instructions to the Governor of Gibraltar as may appear to his Lordship likely to aid in the release of the prisoners.

I am, &c.
(Signed) FREDERIC ROGERS.

Inclosure in No. 6.

Telegram from Sir R. Airey to Earl Granville, May 22, 1870.

[See No. 1.]

No. 7.

Mr. Layard to the Earl of Clarendon.—(Received May 24, 1 A.M.)

(Telegraphic.)

Madrid, May 23, 1870, 5.50 P.M.

I HAVE just been informed by Spanish Foreign Office that English captured subjects are supposed to have been taken to a hiding-place in the mountains near Ronda. The Minister of War and Minister of Interior will do all they can, and the Prefects and Mayors are instructed to act together for the liberation of the captives. General Prim has also assured me that no step will be omitted to secure this end.

No. 8.

Mr. Layard to the Earl of Clarendon.—(Received May 24, 2.15 P.M.)

(Telegraphic.)

Madrid, May 24, 1870, 9.5 A.M.

YOUR telegram of yesterday received late last night. Every precaution appears, as far as I can judge, to have been taken, but I am without further information from the Governor of Gibraltar, and do not know whether a ransom has been demanded, and whether there be any means of communicating with the brigands. I am requested by the Spanish Government to assure your Lordship that nothing will be wanting on their part to insure the safety of the captives, and that they take upon themselves the payment of any ransom necessary for this purpose.

No. 9.

Mr. Hammond to Sir F. Rogers.

Sir,

Foreign Office, May 24, 1870.

WITH reference to my letters of yesterday, I am directed by the Earl of Clarendon to transmit to you, for the information of Earl Granville, the accompanying copy of a further telegram from Mr. Layard,* relative to the capture of British subjects by Spanish brigands.

I am, &c.

(Signed) E. HAMMOND.

P. S.—I am at the same time to inclose herewith a copy of a further telegram which has just been received from Madrid,† and I am to request, that in laying the same before Earl Granville, you will move his Lordship to order Governor Airey, by telegraph, to keep Mr. Layard fully informed of everything that may come to his knowledge respecting this matter.

No. 10.

Sir F. Rogers to Mr. Hammond.—(Received May 24.)

Sir,

Downing Street, May 24, 1870.

REFERRING to the letter from this office of yesterday, I am directed by Earl Granville to transmit to you a copy of a further telegram from the Governor of Gibraltar, on the subject of the capture of certain British subjects by brigands in Spain.

I am, &c.

(Signed) FREDERIC ROGERS.

Inclosure in No. 10.

Sir R. Airey to Earl Granville.

(Telegraphic.)

May 23, 1870.

RETREAT of brigands not discovered yet. Spanish authorities most active in search. Brigands ascertained to be contrabandistas from Malaga; some of the party had previously visited Gibraltar, and invited Mr. Bonnell to purchase a horse. No tidings of or from the captives, nor any demand for a ransom.

No. 11.

Mr. Layard to the Earl of Clarendon.—(Received May 24, 8.20 P.M.)

(Telegraphic.)

Madrid, May 24, 1870, 4 P.M.

I HAVE received a telegram from Her Majesty's Consul at Cadiz, informing me that detachments of Guardia Civil from Algeciras, San Roque, and Ronda, are in search of the brigands. Force not to be employed until security of captives is assured. Full powers given to negotiate, and, if necessary, ransom. In the absence of further and more satisfactory intelligence, the Governor of Cadiz will himself proceed this evening to the neighbourhood of Gibraltar.

No. 12.

Sir F. Rogers to Mr. Hammond.—(Received May 24.)

Sir,

Downing Street, May 24, 1870.

IN reply to your letter of this day on the subject of the capture by Spanish brigands of British subjects in the south of Spain, I am directed by Earl Granville to acquaint you, for the information of the Earl of Clarendon, that his Lordship sent the following telegram to the Governor of Gibraltar at 20 minutes past 4 this afternoon:—

“Keep Mr. Layard fully informed, by telegraph, of any information you may obtain respecting the captives, and act in complete concert with him.”

I am, &c.

(Signed) FREDERIC ROGERS.

No. 13.

Sir F. Rogers to Mr. Hammond.—(Received May 25.)

Sir,

Downing Street, May 25, 1870.

WITH reference to my letter of yesterday, I am directed by Earl Granville to transmit to you, for the information of the Earl of Clarendon, a copy of a further telegram which has been received from the Governor of Gibraltar on the subject of the English who have been captured by brigands in Spain.

I am, &c.

(Signed) FREDERIC ROGERS.

Inclosure in No. 13.

Sir R. Airey to Earl Granville.

(Telegraphic.)

San Roque, May 24, 1870, 4.46 P.M.

RECEIVED your telegram of yesterday. I have just sent the following message to Mr. Layard by telegraph:—

“Three Spaniards now in Gibraltar are willing to proceed into Spain, and endeavour to effect release of captives. Am assured their efforts are likely to succeed. One named Gabaron refuses to go without safe-conduct from Spanish Government, being politically compromised; the others will not go without him. Urge Spanish Governor to authorize Spanish Consul here to grant safe-conduct. We have no tidings of any kind of the captives or brigands.”

No. 14.

Mr. Hammond to Sir F. Rogers.

Sir,

Foreign Office, May 25, 1870.

I AM directed by Her Majesty's Secretary of State for Foreign Affairs to transmit to you, to be laid before Earl Granville, copies of further correspondence, as marked in the margin,* upon the subject of the capture of Messrs. Bonnell by Spanish brigands.

I am, &c.

(Signed) E. HAMMOND.

No. 15.

Mr. Layard to the Earl of Clarendon.—(Received May 26.)

(Telegraphic.)

Madrid, May 26, 1870, 3.25 P.M.

I HAVE received the following telegram from Sir Richard Airey, 25th May :—

“Arrangements have just been made with Spanish Consul for safe-conduct to Raphael Gabaron, who went off this morning before daylight to negotiate with brigands for ransom of captives, with instructions to return with all possible expedition to Gibraltar. Still without tidings from the captives.”

No. 16.

Mr. Layard to the Earl of Clarendon.—(Received May 26.)

My Lord,

Madrid, May 23, 1870.

I RECEIVED, at a quarter-past 10 o'clock last night, a telegram from Sir Richard Airey, informing me that Messrs. John Bonnell and John Antonio Bonnell, highly respectable British subjects, had been captured and carried off on the previous evening by Spanish brigands, at about four miles from Gibraltar, in Spanish territory.

His Excellency further stated, that he was in communication with the Spanish authorities at San Roque and Algeciras.

I lost no time in sending a note to the Minister of State, to inform him of this occurrence, and to request him earnestly to take, without delay, all possible measures for the liberation of the captives. My messenger, after some difficulty, found Señor Sagasta, and about 1 o'clock in the morning his Excellency came to me with Señor de Blas, the Under-Secretary of State for Foreign Affairs. He was very much troubled with the news which I had sent to him, and expressed the greatest regret that such an event should have occurred in Spanish territory. He begged me to assure your Lordship that no exertions should be wanting, or expense spared, on the part of the Spanish Government, to obtain the liberation of the captives, and to insure the punishment of the criminals.

As soon as his Excellency had received my note he went to Señor Rivero, the Minister of the Interior, and had placed himself in communication with General Prim. Telegrams had been sent to the Captain-General of the province, to the Governor of Cadiz, and to all the civil and military local authorities, ordering them to take every available measure for the release of the captives.

His Excellency requested me, in order to save time, to communicate directly with the Minister of the Interior, should I receive any further information from Sir Richard Airey.

I have informed Sir Richard Airey of what has taken place here, and have requested him to furnish me with any further details which may be of use for the information of the Spanish Government.

I will not fail to do everything in my power for the captives here. I feel sure, however, that Señor Sagasta will require no urging on my part, but that he will take every available measure, and do his utmost for their release.

I have, &c.

(Signed) A. H. LAYARD.

No. 17.

Sir F. Rogers to Mr. Hammond.—(Received May 26.)

Sir,

Downing Street, May 26, 1870.

REFERRING to previous correspondence, I am directed by Earl Granville to transmit to you, for the Earl of Clarendon's information, a copy of a further telegram from the Governor of Gibraltar, reporting the departure of Gabaron or Gabbrown to negotiate with the Spanish brigands for the release of the captives.

I am, &c.

(Signed) FREDERIC ROGERS.

Inclosure in No. 17.

Telegram from Sir R. Airey to Earl Granville, May 25, 1870, 12.4 P.M.

[See No. 15.]

No. 18.

Mr. Hammond to Sir F. Rogers.

Sir,

Foreign Office, May 26, 1870.

I AM directed by Her Majesty's Secretary of State for Foreign Affairs to transmit to you, to be laid before Earl Granville, the accompanying copy of a telegram from Mr. Layard relative to the capture of Messrs. Bonnell by Spanish brigands.*

I am, &c.

(Signed) E. HAMMOND.

No. 19.

The Earl of Clarendon to Mr. Layard.

Sir,

Foreign Office, May 27, 1870.

I HAVE received your despatch of the 23rd instant, reporting the capture by Spanish brigands near Gibraltar of two British subjects; and I have to convey to you my approval of the steps you have taken, as reported in that despatch, with a view to obtain the release of the captives.

I am, &c.

(Signed) CLARENDON.

No. 20.

Mr. Layard to the Earl of Clarendon.—(Received May 27.)

My Lord,

Madrid, May 24, 1870.

IN continuation of my despatch of yesterday, I have the honour to inform your Lordship that I took the earliest opportunity yesterday of seeing General Prim, and of speaking to him on the subject of the capture of the Messrs. Bonnell, urging him to do all that was possible for their liberation, and especially to avoid any step which might endanger their safety. His Excellency replied that he had seen Señor Sagasta during the night, and had also been in communication with Señor Rivero, the Minister of the Interior, and that they had concerted such measures between the military and civil authorities, as he had reason to hope would lead to the release of Messrs. Bonnell. He had telegraphed the most precise instructions to the Captain-General of Andalusia and to the military authorities at Cadiz, Algeciras, San Roque, Ronda, and other places in the neighbourhood of the scene of the outrage. His Excellency further begged me to assure Her Majesty's Government that every effort should be made by the Spanish Government to insure the safety of the captives.

Whilst I was with General Prim, Señor de Blas, the Under-Secretary of State for Foreign Affairs, called upon me to communicate a telegram, which the Minister of the Interior had received from the Alcalde of Algeciras, stating that, since yesterday measures had been taken for the liberation of the two British subjects, and that the general opinion was that they had been carried off to some hiding-place in the mountainous country about Ronda. Señor de Blas, further, left me a private note to say that he had himself been to see that the Departments of War and the Interior had been put in motion; the Prefects and Mayors, he added, were acting together in order to obtain a favourable result.

I telegraphed at once to Sir Richard Airey to inform him that it was supposed that the captives were in the mountains of Ronda. Later in the day, Señor de Blas communicated to me a telegram from the Governor of Cadiz to the Minister of the Interior stating that two lines ("lineas") of civil guards were being concentrated on San Roque, and that no means should be omitted to insure the release of Messrs. Bonnell.

At 10:30 o'clock last night I received your Lordship's telegram, dispatched from London at 12:55, in which your Lordship instructs me to press upon the Spanish Government, in the most urgent terms, to take effectual measures for the safety and release of Messrs. Bonnell, and for the punishment of the brigands, and to state that Her Majesty's Government earnestly request the Spanish Government to take warning by what has happened in Greece, and not to pursue the brigands with "corps" until the captives are released.

Although I had in my communication with General Prim and Señor Sagasta expressed myself almost in the identical terms which I was thus instructed to use by your Lordship, I thought it very desirable to communicate at once to the Spanish Government the contents of your Lordship's telegram, in order that they might fully understand the gravity which your Lordship attached to the capture of Messrs. Bonnell. I was unable, however, to find either Señor Sagasta or Señor Rivero at the Cortes, nor was the former at his residence, or at the Foreign Office. At length I succeeded in finding Señor de Blas, who has been more directly charged with the management of this affair, and I communicated to him the contents of your Lordship's telegram. He assured me that, both in the Ministry of the Interior, and of War, every exertion was being made to obtain the release of Messrs. Bonnell, but that, up to that moment, no positive information had been received of the movements of the brigands, nor was it known where they were, nor what might be the nature of their demands; that the Government had determined to use every precaution to insure the safety of the captives, and that being well aware of its obligations and duties, it would itself pay any ransom which might be required for that purpose. He further informed me that the Government had reason to believe that the Governor of Cadiz had obtained some clue to the connections of the brigands, which there was ground to hope might lead to a favourable result.

Señor Sagasta, at my first interview with him, had stated that it was the intention of the Government to punish with the utmost severity the authors of the crime—"They must be hung," he said.

Señor de Blas having sent to inquire whether any further information had been received at the Ministry of the Interior, received, in reply, the copy of a telegram just in from the Governor of Cadiz, stating that the measures undertaken for the release of the English captives were being actively prosecuted, and that there was reason to believe that the brigands had originally come from the Province of Malaga, and had now gone in that direction. Upon the receipt of this information a telegram had at once been sent to the Governor of Malaga in these terms:—

"The most active steps are being taken for the release of two English subjects, captured near Gibraltar, according to information received, by evil-doers of that Province. Take the same yourself, unremittingly bringing into play all means in your power, sparing no expenses, all of which are paid by the Government: make this known to the Alcaldes of the villages. Employ all forces or persons who are capable of securing the result desired by the Government, who consider this act as one affecting the national honour, and as requiring very special service."

Thinking it desirable to see Señor Rivero myself, I proceeded with Señor de Blas to the Ministry of the Interior, where, at 1:15 in the morning we found his Excellency. He fully confirmed to me all that Señor de Blas had stated, declaring that the honour of the Spanish Government was concerned, and that it was determined at whatever sacrifice or expense to liberate the English captives, and that he had given secret instructions to the authorities to effect this without endangering the lives of the captives, whatever might be the nature of the steps they felt it necessary to take.

Señor Rivero expressed himself deeply concerned at what had happened, and begged me to assure your Lordship, which I have done by telegraph, that nothing should be wanting on the part of the Spanish Government to insure the safety of the captives, and their liberation, and that it took upon itself the payment of any ransom that may be necessary for this purpose.

Early this morning I telegraphed to Her Majesty's Consuls at Cadiz and Malaga, requesting them to ascertain immediately from the Governors of those cities what steps they were taking for the liberation of Messrs. Bonnell, and instructing them to keep me fully informed on the subject. I reminded them, at the same time, that the first consideration was the safety of the captives, and that nothing should be done by movements of troops, or otherwise, to endanger it.

I have, further, written despatches to them, of which I inclose a copy. I also telegraphed to Sir Richard Airey, requesting him to inform me whether any ransom had been asked for the captives, and whether any agent for the brigands had appeared to treat for it, and informing his Excellency that the Spanish Government was disposed to do

everything in its power, but that, without knowing more, I did not know what to suggest.

Up to this time I have only been made acquainted by Sir Richard Airey with the bare fact of the capture of Messrs. Bonnell; and, without further information, it is of course impossible for me to give any opinion as to the best course to be pursued with regard to them.

I have further written a despatch to Sir Richard Airey, of which I inclose a copy.

I have, &c.
(Signed) A. H. LAYARD.

P.S.—Since writing this despatch, I have received a telegram from Mr. Reade, Her Majesty's Consul at Cadiz, of which I have sent your Lordship a copy by telegraph. It would appear, from this communication, that the Spanish Government has fulfilled the promises which it has made to me; and I trust that, if the Governor of Cadiz carries out in their proper spirit the instructions which he has received, the captives will soon be released.

A. H. L.

Inclosure 1 in No. 20.

Mr. Layard to Her Majesty's Consuls at Malaga and Cadiz.

Sir,

Madrid, May 24, 1870.

I TELEGRAPHED to you this morning to ascertain immediately from the Governor of Malaga and Cadiz what steps he was taking for the liberation of Messrs. Bonnell, two English subjects captured by brigands, and to keep me fully informed on the subject. I further informed you that the first consideration was the safety of the captives, and that nothing should be done, by movement of troops or otherwise, to endanger it. The Spanish Government, I added, was desirous of doing everything in its power to procure their liberation.

I must press upon you the extreme importance of avoiding any measures on the part of the military authorities which might lead to such a deplorable result as that recently witnessed in Greece.

The President of the Council and the Ministers of War and of the Interior have expressed themselves to me in the most satisfactory manner, and have assured me that they have urged the greatest caution and prudence in their instructions to the military and civil authorities, and that they are prepared to pay any ransom which may be necessary for the release of the captives. Such being the case, there ought not to be any ground for serious apprehension for the safety of the captives, and you will impress upon his Excellency the Governor the grave responsibility which would be incurred by the local authorities if, owing to imprudence or neglect of their instructions, anything should happen to the Messrs. Bonnell.

I am informed that the Governor of Cadiz has been especially instructed to deal with this case, and that there is reason to believe that he has found some clue to the connections of the brigands, which may lead to important results.*

If you can obtain any information upon this subject, you will not fail to communicate it to me, and also to the Governor of Gibraltar, to whom you will also transmit any information that you may obtain with reference to the captives.

I am, &c.
(Signed) A. H. LAYARD.

Inclosure 2 in No. 20.

Mr. Layard to Sir R. Airey.

Sir,

Madrid, May 24, 1870,

SINCE your Excellency's telegram announcing the fact of the capture of the Messrs. Bonnell by brigands, I have not received any further information from your Excellency.

* This paragraph is addressed only to Consul Reade.

I consequently requested your Excellency this morning, by telegraph, to inform me whether any ransom had been asked by the brigands, and whether any agent from them had appeared to treat.

It is of great importance that I should be furnished without delay with all the information which can be obtained on this as well as on other points, in order that I may make such communications as may be necessary to the Spanish Government.

I have seen General Prim, and the Ministers of War and of the Interior, and they have expressed to me their deep concern at what has taken place, and their determination to leave no means untried to ensure the safety of the captives and their speedy release. In order to effect this the most explicit instructions, they inform me, have been sent to the Captain-General of Andalusia, to the Governors of Cadiz and Malaga, and to the local authorities, civil and military.

I am further informed that all these officers are ordered to place themselves in communication with your Excellency, if necessary.

I have urged upon the Spanish Government, by Lord Clarendon's directions, not to pursue the brigands until the captives are released.

The Spanish Ministers have assured me that no step will be taken which will endanger the lives of the captives, and they state that they are prepared themselves to pay any ransom which may be necessary for their release.

According to the account received last night at a late hour at the Ministry of the Interior, the brigands who committed this outrage are from the Province of Malaga, and are now moving in that direction.

Instructions are at once sent by telegraph to the Governor of that province to take measures accordingly. It would, I think, be very desirable that you should communicate, if you have not done so already, with the Captain-General of Andalusia, and with the Governor of Cadiz, giving them every information which you may possess. The latter has been specially charged with the duty of tracing the brigands, and I am informed that he believes that he has found some clue to their connections, which may lead to a favourable result.

It is suspected that there must have been an organized plan for the capture of Messrs. Bonnell, in connection with some person or persons at Gibraltar, as for some time past the roads in the south of Spain were considered perfectly safe, and they have been traversed by travellers, strangers as well as natives, without any apprehension, and without any escort.

I have telegraphed to Her Majesty's Consuls at Cadiz and Malaga to place themselves in communication with the Governors of those cities, and to keep me informed of the steps they may take for the release of the captives. I have also reminded them that the first consideration is the safety of the captives, and that nothing should be done, by movement of troops or otherwise, which might endanger it.

It might, perhaps, also be advisable for your Excellency to communicate with these gentlemen.

I have, &c.
(Signed) A. H. LAYARD.

No. 21.

The Earl of Clarendon to Mr. Layard.

Sir,

Foreign Office, May 27, 1870.

WITH reference to your despatch of the 24th instant, I have to state to you that I approve all that you are doing with a view to the liberation of the Messrs. Bonnell from the hands of the Spanish brigands.

I am, &c.
(Signed) CLARENDON.

Mr. Layard to the Earl of Clarendon.—(Received May 28.)

My Lord,

Madrid, May 25, 1870.

SOON after I had forwarded to your Lordship my despatch of yesterday, I received a telegram from Mr. Reade, Her Majesty's Consul at Cadiz, to whom I had telegraphed early in the morning; informing me that detachments of Guardia Civil from Algeciras, San Roque, and Ronda were in search of the brigands; that force was not to be employed until the security of the captives had been assured; that full powers had been given to negotiate, and, if necessary, to ransom them, and that in the absence of further and more satisfactory intelligence, the Governor would himself proceed that evening to the neighbourhood of Gibraltar.

I immediately transmitted a copy of this telegram to your Lordship and to General Sir Richard Airey. Soon after I heard from the Ministry of the Interior that the Governor had received directions to proceed at once to San Roque.

Later in the day I received a telegram from Mr. Mark, Her Majesty's Consul at Malaga, informing me that, on the receipt of my telegram, he had immediately sought an interview with the Governor of that place, who had received instructions from Madrid and replied thereto, and had taken active measures, though not ostensibly, for the recovery of the captives. The Governor was ignorant of their exact present position, but confided in the exit of his operations, and concurred with me in the necessity of first saving the lives of the captives, and would act under that conviction. I inclose a copy of Mr. Mark's telegram.

Late in the afternoon I received a letter from Señor Rivero, the Minister of the Interior, inclosing for my information copies of the telegrams which had passed between himself and the Governors of Cadiz and Malaga and other local civil authorities, and assuring me that if I could suggest any other steps in addition to those already taken, "I might rely upon their being carried out with all the energy of his authority for the sake of my unfortunate fellow-countrymen, in whom he took the deepest interest."

Although several of the telegrams, copies of which were sent to me by Señor Rivero, have already been communicated to your Lordship, I have thought it advisable to send your Lordship the complete series.

As it appeared to me that the accounts which I had received from Her Majesty's Consuls at Cadiz and Malaga were satisfactory, and that any suggestions here, without a full knowledge of the circumstances of the case, might perhaps rather tend to create confusion than otherwise, I thanked Señor Rivero for the lively interest which he had shown in this matter, and informed him that I did not find anything to add to the instructions already given by his Excellency, and that I would not embarrass the authorities, who were perfectly acquainted with the country and with the persons with whom they had to deal, by making suggestions which might be valueless. I, however, reminded Señor Rivero that Her Majesty's Government considered it of the greatest importance that the Spanish troops should not make any movements which might place the captives in serious danger, and that the first consideration was to save their lives. I knew, I added, that his Excellency had given precise instructions upon this point to the local authorities, but I begged him to insist again with regard to it in future communications with the Governor of Cadiz.

In the evening I received a telegram from the Governor of Gibraltar, of which I inclose a copy, informing me that three Spaniards, then in Gibraltar, were willing to proceed into Spain and endeavour to effect the release of the captives, and that his Excellency was assured that those efforts were likely to succeed. One named Gabaron refused, however, to go without a safe-conduct from the Spanish Government, being politically compromised, and the others would not go without him. His Excellency requested me to urge the Spanish Government to authorize the Spanish Consul at Gibraltar to grant the safe-conduct. His Excellency added that they had no tidings of any kind of the captives or brigands.

I lost no time in instructing Mr. Hunt, Chancellor of this Legation, to see Señor Sagasta, or Señor Rivero, or one of the Ministers, and to communicate to him the contents of Sir Richard Airey's telegram. Mr. Hunt succeeded, after some time, in finding Señor Rivero and Señor Sagasta at the Cortes.

Señor Sagasta at once consented to telegraph to the Consul at Gibraltar to grant the safe-conduct required, if it appeared to him that the offer of Señor Gabaron was really a *bonâ fide* one. Señor Rivero then telegraphed to the Governor of Cadiz (who is charged

with the duty of releasing the captives), informing him of the contents of Señor Sagasta's telegram to the Spanish Consul at Gibraltar, and I immediately informed Sir Richard Airey by telegraph.

I inclose a memorandum from Mr. Hunt of what occurred.

I subsequently received a further telegram from Sir Richard Airey, in which he informs me that nothing more had been heard of Messrs. Bonnell, that no ransom had been asked, and that no agent from the brigands had appeared to treat. The brigands, he states, were supposed to have retired to the Sierra Vermeja, running south-east and north-west towards Ronda, an inaccessible country. Two messengers had proceeded privately to find and treat with them for the release of the captives.

I have since received a despatch from Sir Richard Airey, with fuller accounts of the capture of Messrs. Bonnell. I send your Lordship a copy of one of the inclosures, which gives the only details, which may not yet have reached your Lordship.

I have, &c.

Signed) A. H. LAYARD.

P. S.—Since writing the above I have received a telegram of this day's date from Sir Richard Airey, and the text of which I have just repeated to your Lordship, saying "that arrangements have been made with the Spanish Consul for the safe-conduct for Raphael Gabaron, who went off this morning before daylight to negotiate with brigands for ransom of captives, with instructions to return with all possible expedition to Gibraltar. Still without tidings from the captives."

Inclosure 1 in No. 22.

Consul Mark to Mr. Layard.

(Telegraphic.)

Malaga, May 24, 1870.

TELEGRAM reached me 11.30. Immediate interview with Governor Somora, who had received instructions from Madrid and replied thereto. Has taken active measures, though not ostensibly, for recovery of captives; ignores their exact present position, but confides in the exit of his operations; concurs with your Excellency in the necessity of first saving lives of the captives, and will act under that conviction.

Inclosure 2 in No. 22.

Telegrams between the Minister of the Interior and the Governors of Cadiz, Malaga, &c.

(Translation.)

(No. 1.)

The Governor of Cadiz to the Minister of the Interior.

Cadiz, May 22, 1870, 9.25 P.M.

AT a few paces from the frontier line of Gibraltar, two Englishmen of that place have been captured by five criminals. I have given orders that all possible steps shall be taken for the rescue of the captives.

(No. 2.)

The Minister of the Interior to the Governor of Cadiz.

May 22, 1870, midnight.

I have your telegram of to-day. Make all possible efforts for rescue of captives. National honour at stake.

(No. 3.)

*The Minister of the Interior to the Governor of Cadiz.**May 22, 1870, half-past 12 at night.*

Spare no effort for rescue of captives mentioned in my first telegram, including that of making use of sums of money that may be necessary. Above all, at all risks, avoid endangering their lives.

(No. 4.)

*The Governor of Cadiz to the Minister of Interior.**Cadiz, May 23, 1870, 8 A.M.*

I have understood your cypher telegram. I shall send a confidential messenger.

(No. 5.)

*The Minister of the Interior to the Alcaldes of Algeciras, Los Barrios, and San Roque.**May 23, 1870, 1 o'clock.*

Besides the orders which you will have received to procure the release of the British subjects captured near Gibraltar, I particularly charge you to employ all zeal and diligence to obtain their freedom. You will already know that the honour and dignity of Spain are at stake in this matter. If it is necessary to incur expense for this purpose, the Government pays. Above all, at all risks, avoid endangering their lives.

(No. 6.)

*The Alcalde of Algeciras to the Minister of the Interior.**Algeciras, May 23, 1870, 12 minutes past 12.*

Since yesterday measures adopted for rescue of British subjects. General opinion is that they are taken to some hiding-place in the mountains of Ronda.

(No. 7.)

*The Minister of the Interior to the Alcalde of Algeciras.**May 23, 1870, 2 P.M.*

Continue to search for captives, and to inform me of anything that may conduce to that object.

(No. 8.)

*The Minister of the Interior to the Alcalde of Ronda.**May 23, 1870, 2 P.M.*

I am informed that the English subjects Bonnell, captured yesterday near San Roque, are hidden in the mountains of your district. I appeal to your patriotism on this occasion, which affects the national honour, to employ all activity for the rescue of the prisoners, sparing no measures or expense, the Government paying all, considering this as a special service.

(No. 9.)

*The Governor of Cadiz to the Minister of the Interior.**Cadiz, May 23, 1870, 2.12 P.M.*

Two lines of Civil Guard, commanded by a Captain, are being concentrated on San Roque. I am sparing no means to obtain the release of Messrs. Bonnell.

(No. 10.)

*The Minister of the Interior to the Governor of Cadiz.**May 23, 1870, 2.45 P.M.*

Your to-day's telegram received. It is well ; and I rely on your untiring zeal for the release of Messrs. Bonnell.

(No. 11.)

*The Governor of Cadiz to the Minister of the Interior.**Cadiz, May 23, 1870, 9.15 P.M.*

Steps taken for rescue of British captives are being actively carried on. It is believed that the criminals come from the Province of Malaga, and that they will have returned there.

(No. 12.)

*The Minister of the Interior to the Governor of Cadiz.**May 23, 1870, 10.30 P.M.*

Your telegram of to-day received and understood. Although I have telegraphed to the Alcaldes of Algeciras, Los Barrios, and San Roque, and you will also have done so, stimulate afresh their zeal in a matter so deeply affecting national honour.

(No. 13.)

*The Minister of the Interior to the Governor of Malaga.**May 23, 1870, 10.30 P.M.*

The most active steps are being taken for the rescue of the two British subjects captured near Gibraltar, according to information received, by criminals of your province. Act in a like sense without ceasing, calling into play all means in your power. Spare no expense : all is paid by the Government. Make this known to the Alcaldes of the towns. Make use of all forces and persons who may be able to effect the result desired by the Government, who consider this act as affecting the national honour, and the duty as an especial one.

(No. 14.)

*The Governor of Malaga to the Minister of the Interior.**Malaga, May 23, 1870, 12.40 at night.*

Orders duly given to Guardia Civil to pursue bandits and rescue captured English. In view of to-night's telegram fresh measures will be taken.

(No. 15.)

*The Minister of the Interior to the Governor of Cadiz.**May 24, 1870, 1.30 P.M.*

If your Excellency thinks that your going in person to the place where the capture was made might serve to hasten the pursuit of the criminals, or even to obtain information of the captives, do so without a moment's delay. The Government spares neither expense nor sacrifice to obtain their release. The great danger is their murder: this must be avoided at all risks.

(No. 16.)

*The Minister of the Interior to the Governor of Malaga.**May 24, 1870, 1.30 P.M.*

Your telegram of 12.40 at night received.

If you think that by going in person to Ronda, in the mountains of which place the criminals and their captives are supposed to be, you can hasten the pursuit, &c. [word for word as in No. 15.]

(No. 17.)

*The Governor of Cadiz to the Minister of the Interior.**Cadiz, May 24, 1870, 9 A.M.*

In obedience to your Excellency's wishes, which agree with my intentions, I am preparing to depart for San Roque.

Inclosure 3 in No. 22.

Sir R. Airey to Mr. Layard.

(Telegraphic.)

Gibraltar, May 24, 1870.

NOTHING more has been heard of Messrs. Bonnell. No ransom has been asked. No agent from brigands has appeared to treat. The brigands are supposed to have retired to the Sierra Vermeja, running south-east and north-west towards Ronda; inaccessible country.

Two messengers have proceeded privately to find and treat with brigands for release of captives.

Inclosure 4 in No. 22.

*Memorandum.**Madrid, May 25, 1870.*

ON receiving into my hands yesterday evening Sir R. Airey's telegram, concerning the willingness of Gabaron and two other Spaniards to proceed from Gibraltar to Spain, in order to endeavour to procure the release of the Messrs. Bonnell, and stating that Gabaron demanded to be furnished with a safe-conduct from the Spanish Government, I went in search of the Minister of the Interior, in pursuance of my instructions.

Not having found his Excellency either at the Home Department or at his private residence, I proceeded to the Cortes, where, on the rising of the House, the Under-Secretary for Foreign Affairs led me into the presence of his Excellency, with whom was Señor Sagasta.

I acquainted them with the contents of Sir R. Airey's telegram, and Señor Sagasta immediately telegraphed to the Spanish Consul at Gibraltar, instructing that functionary to come to an understanding with Sir R. Airey, and to grant the safe-conduct, if necessary, and if he considered Gabaron's offer to be a sincere one, bearing in mind that the Government intended to leave no stone unturned for the release of the captives.

Señor Rivero then inquired, by telegraph, whether the Governor of Cadiz was still in that city, and having received an answer to the effect that he would not set out from

Cadiz until daybreak this morning, Señor Rivero at once dispatched a telegram to him, informing him of the contents of Señor Sagasta's telegram to the Spanish Consul at Gibraltar, enjoining him, in the strongest terms, to afford all the aid in his power, and concluding by investing him with full authority to do everything that he (Señor Rivero) might legally perform in person.

Both their Excellencies, and Señor de Blas, the Under-Secretary of State, repeatedly assured me of their earnest desire to bring this matter to a satisfactory conclusion, and stated that their efforts had been, and should be, unremitting.

I thanked their Excellencies and withdrew, after having telegraphed to Sir R. Airey the result of the interview.

(Signed) W. G. LENNON HUNT.

Inclosure 5 in No. 22.

Deposition of Joseph Varese.

I, JOSEPH VARESE, do hereby certify, that having learned yesterday evening that Mr. John Bonnell and his nephew had not returned from their usual ride, I thereupon went early this morning to the Lines, with the object of learning their whereabouts. That on my arrival there, I was desired to call upon the Guardia Civil, from whom I could get information; and I was there informed by a soldier of said corps, named Alvarez, that according to the report received by them early this morning, it appears that Mr. Bonnell and nephew were taken by surprise by five individuals yesterday evening, in the farm called Sabal. That these individuals tied and locked up the women employées of this farm, in a room; and that about 8 o'clock last night the Messrs. Bonnell were taken away by said individuals. I was further informed that Sergeant Molina, of the Guardia Civil, with some soldiers of this corps of infantry, left the Lines early this morning in pursuit of the brigands.

Gibraltar, May 22, 1870.

(Signed) JOSEPH VARESE.

No. 23.

Mr. Layard to the Earl of Clarendon.—(Received May 29.)

My Lord,

Madrid, May 26, 1870.

I HAVE no further intelligence to-day on the subject of the capture of the Messrs. Bonnell by brigands. I inclose a copy of a letter which I have received from Mr. Reade, Her Majesty's Consul at Cadiz, which is nearly to the same effect as his telegram already forwarded to your Lordship, but which, being somewhat fuller, will enable your Lordship to judge more accurately of the steps that are being taken by the Spanish authorities for the release of the captives.

I have, &c.

(Signed) A. H. LAYARD.

Inclosure in No. 23.

Consul Reade to Mr. Layard.

Sir,

Cadiz, May 24, 1870.

I HAVE the honour to acknowledge the receipt of your Excellency's telegram of this day's date, instructing me to ascertain immediately from the Governor of this province what steps he is taking for the liberation of Messrs. Bonnell, two British subjects, captured by brigands, and to keep your Excellency duly informed. I am further advised that, the safety of the captives being the first consideration, nothing should be done, by moving troops, or otherwise, to endanger it.

On receipt of the above telegram, I called upon the Governor, and obtained from him the information I this day telegraphed to your Excellency in a condensed form, viz. :—

That an active search after the brigands has already been instituted, under the direction of the Guardia Civil, which, as your Excellency must be aware, is the most trustworthy force in the country; that no military operations whatever will be undertaken

against the brigands, so long as the captives are in their power ; and that, on the contrary, authority is given to the Commandant of the Guardia to procure the captives' liberation by peaceful means, and the payment of any ransom which may be necessary for the purpose.

The Governor appears confident that the lives of the captives are safe, and hopes, before many hours, to hear of their release. Should he not, however, receive intelligence to that effect, before this evening, it is his intention to repair at once to the neighbourhood of Gibraltar, with a view to facilitate the termination of this disagreeable affair.

His Excellency expresses himself as being profoundly solicitous of the personal security and comfort of the captives ; and assures me he will spare neither trouble nor expense to effect their liberation.

Until the arrival of your Excellency's telegram, I had received no intelligence whatever regarding the capture of the Messrs. Bonnell ; but I conclude a report of the occurrence from my Vice-Consul at San Roque is on the way. I have since arranged to receive prompt and reliable information regarding the further proceedings of the Spanish authorities, and shall not fail to communicate the same to your Excellency as soon as it may reach me.

I have, &c.
(Signed) T. F. READE.

No. 24.

Mr. Hammond to Sir F. Rogers.

Sir,

Foreign Office, May 30, 1870.

WITH reference to your letter of the 26th instant, and to previous correspondence, I am directed by the Earl of Clarendon to transmit to you, for the information of Earl Granville, copy of a despatch and of its inclosures, as marked in the margin,* which I have received from Her Majesty's Minister at Madrid, on the subject of the late capture by brigands of two British subjects in the neighbourhood of Gibraltar.

I am, &c.
(Signed) E. HAMMOND.

No. 25.

Mr. Layard to the Earl of Clarendon.—(Received May 30.)

My Lord,

Madrid, May 26, 1870.

I HAVE the honour to transmit to your Lordship herewith copies of further correspondence on the subject of the capture of Messrs. Bonnell by Spanish brigands.

I have, &c.
(Signed) A. H. LAYARD.

Inclosure 1 in No. 25.

Sir R. Airey to Mr. Layard.

Sir,

Gibraltar, May 23, 1870.

I HAVE received your Excellency's telegram dated Madrid 23rd instant, 8.45 A.M., and, in compliance with your Excellency's desire, I hasten to transmit for your information copies of all the communications which I have received from the Spanish authorities in the vicinity, and from Mr. Francis Francia, Her Majesty's Vice-Consul in San Roque.

From these documents your Excellency will perceive that no effort has been wanting on the part of the Spanish authorities, civil and military, in doing everything possible for the liberation of the captives and the discovery of the retreat of the brigands.

No tidings have been received at Gibraltar of or from the captives, and no demand, direct or indirect, from the brigands for a ransom.

I have, &c.
(Signed) RICHARD AIREY.

Inclosure 2 in No. 25.

Señor Gatrid to Sir R. Airey.

(Translation.)

Sir,

Linia, May 22, 1870.

HAVING taken cognizance of the communication which you had the goodness to make me with reference to the capture of Messrs. John Bonnell and his nephew, which crime took place last night in the inn of Sabal by five scoundrels on horseback, I have to inform you that I was informed of the fact this morning at 6.30 by the force of Civil Guards stationed at this place, who went in pursuit of the criminals; and I immediately ordered the departure of a serjeant with ten soldiers, that they might operate in conjunction with the former for the capture of the criminals, or might, at least, rescue the persons captured.

I lament such an unheard-of act, the more so as all the night having elapsed, the brigands may have got off to some distance, thus making it difficult to discover them so quickly as I desire.

To-night the body of Civil Guards will return, and all news they may have gained I will duly communicate to you with the assurance that all means humanly possible shall be employed to gain the desired end.

God preserve, &c.

(Signed)

LUIS GATRID.

Inclosure 3 in No. 25.

Señor Gatrid to Sir R. Airey.

(Translation.)

Sir,

Linia, May 23, 1870.

AT this moment there has arrived here the chief Captain of the Civil Guard, informing me that the pursuit of the brigands is being actively carried on in this province and in that of Malaga, where a telegram has been sent in order to discover the Messrs. Bonnell and the criminals who seized them. The latter are from Malaga, and were eight days ago in the inn of Sabal with their papers in proper order, and stating that they were smugglers; some of them had come into this place and treated of the sale of a horse to Mr. Bonnell, who for this reason had dealings with them, unsuspecting the snare set for him, to which he has now fallen a victim.

Judging by the great activity displayed in their pursuit, it is probable that the Messrs. Bonnell will very shortly be discovered and rescued.

All of which I have the honour to communicate.

God preserve, &c.

(Signed)

LUIS GATRID.

Inclosure 4 in No. 25.

Vice-Consul Francia to Sir R. Airey.

My dear Sir Richard,

Sunday, May 22, 1870.

NO time has been lost in informing the authorities here of the capture of the Messrs. Bonnell by brigands, and they will, I feel persuaded, do all in their power for the release of the prisoners and the discovery of the robbers. I do not see that anything more can be done at this moment, but I will take care to keep you informed of anything that may be learned by the authorities concerning it. I will reply to your official communication to-morrow, and perhaps by that time we may have heard something more on the subject.

Very faithfully, &c.

(Signed)

FRANCIS FRANCIA.

P.S.—The Alcalde has this moment informed me that at about 8 o'clock this morning orders were sent to Los Barrios and Zimina for the Guardia Civil of both places to put themselves in motion for the purpose of discovering the whereabouts of the Messrs. Bonnell and the robbers.

Inclosure 5 in No. 25.

Vice-Consul Francia to Sir R. Airey.

Sir,

San Roque, May 23, 1870.

FROM my hurried note of yesterday, by Captain Monsell, your Excellency will have seen that no time was lost in making known to the authorities here the information contained in your letter of yesterday's date regarding the carrying off by brigands of Mr. Bonnell and his nephew, British subjects and inhabitants of Gibraltar.

I feel persuaded that these, as well as other authorities of the province, will do everything in their power to effect the release of the individuals in question, with the arrest of the robbers; but I greatly fear that, under the existing circumstances, their efforts are not likely to be successful, inasmuch as the robbers had, during the night of Saturday, more than ample time to reach a place of concealment, and would, in all probability, have selected for their purpose the very wild and rugged country situated on the left hand side of the road leading from the lower ford of the River Guadiaro to Estepona, where it would be a matter of extreme difficulty to discover their hiding-place.

No additional information on this subject has reached this place, but it may be presumed that by this time some communication relating to the ransom demanded by the robbers will have been received at Gibraltar, and it is to be hoped that the persons who may be intrusted with that part of the management of the case will be aware that it will have to be conducted with the utmost secrecy, circumspection, and tact.

I have, &c.

(Signed) FRANCIS FRANCIA.

Inclosure 6 in No. 25.

Consul Mark to Mr. Layard.

Sir,

Malaga, May 24, 1870.

I BEG to acknowledge receipt of your Excellency's telegram of this date. I immediately called on the Civil Governor, Don Manuel Somoza, who informed me had been in telegraphic communication with the Minister of the Interior, and exhibited the correspondence which had taken place. It appeared by its tenor, that he deprecated any military or ostensible measures that might impede the rescue of the captives, of whose position he appeared to be ignorant, for want of telegraphic communication with the neighbourhood of the place where the capture was effected, and from not being within the limits of his official jurisdiction, but that he had taken measures for their discovery and release.

I addressed to his Excellency the Civil Governor an official letter on the subject, copy of which I inclose, as also of the telegram transmitted subsequently to the personal interview alluded to, and I shall not fail to keep your Excellency informed of what takes respecting this unfortunate occurrence.

I have, &c.

(Signed) W. PENROSE MARK.

Inclosure 7 in No. 25.

Consul Mark to Señor Somoza.

(Translation.)

Malaga, May 24, 1870.

I HAVE just received a telegraphic despatch from his Excellency Her Britannic Majesty's Minister at Madrid, relative to the deplorable occurrence which has taken place in the neighbourhood of San Roque, where two subjects of my nation—Messrs. Bonnell—have been seized and carried off by a band of brigands.

By his Excellency's desire I make application to your Excellency, requesting that you will be pleased to acquaint me with the measures adopted in order to procure the release of the captives. His Excellency also observes to me that the first and principal object to be borne in mind is the safety of the prisoners, and that no military or other steps should be taken which might place their lives in jeopardy.

I deem it superfluous to recommend this grave case to your particular attention, and I trust that you will be good enough to communicate to me any intelligence of

interest relative thereto, for the information of Her Britannic Majesty's Legation and Government.

God preserve, &c.

(Signed)

WM. PENROSE MARK,

No. 26.

Mr. Layard to the Earl of Clarendon.—(Received May 30.)

My Lord,

Madrid, May 27, 1870.

I HAVE the honour to transmit herewith, for your Lordship's information, copy of a despatch and its inclosure from Mr. Consul Mark, with reference to the orders given by the Governor of Malaga to the Guardia Civil as to the line of conduct in attempting to secure the release of the Messrs. Bonnell,

I have, &c.

(Signed)

A. H. LAYARD.

Inclosure I in No. 26.

Consul Mark to Mr. Layard.

Sir,

Malaga, May 25, 1870.

I HAVE the honour to inform your Excellency that I this morning received an official answer to the letter I addressed to the Governor of Malaga with reference to the case of Messrs. Bonnell. Your Excellency will perceive, by the contents of the copy inclosed, that the Governor confirms the particulars transmitted in my telegram of yesterday. I have since called on the Governor, but he is not yet aware of the locality to which the robbers have resorted, and nothing new has transpired worthy of detailing. His orders along the coast-line stations of the Civil Guard are not to appear themselves, but to send confidential explorers, with instructions to negotiate the release of the Bonnells, if they should discover the place of their security.

I have, &c.

(Signed)

WM. PENROSE MARK.

Inclosure 2 in No. 26.

Señor Somoza to Consul Mark.

(Translation.)

Malaga, May 24, 1870.

I TAKE note of your communication of this day's date, informing me of the seizure of the British subjects, Messrs. Bonnell, in the vicinity of San Roque, and the desire manifested by his Excellency Her Britannic Majesty's Minister at Madrid that attention may be chiefly directed to the safety of the captives; and, in reply, I shall state to you that, upon the first intelligence of this lamentable event, appropriate orders were given to the chiefs of the line of Civil Guards, and forthwith the requisite prudence shall be observed, so as to effect the rescue without endangering the lives of the captives, as encharged by my Government, influenced by a vivid interest in the favourable result of said affair. I should furthermore assure you that the most effective measures are being adopted, in order to accomplish the liberation of the captives.

God preserve, &c.

(Signed)

EMML. SOMOZA.

No. 27.

Mr. Layard to the Earl of Clarendon.—(Received May 31.)

My Lord,

Madrid, May 28, 1870.

YESTERDAY evening the Under-Secretary for Foreign Affairs communicated to me a telegram from the Governor of Cadiz, in which his Excellency informs the Minister of the Interior that he had just returned from Gibraltar, and that the family of Messrs. Bonnell had received no intelligence whatever concerning their captured relatives. His Excellency, however, states that he was confident that he had at his orders a person who should be able to give information concerning the captives, and that he hopes for

speedy results. Later, however, I received a telegram from Sir Richard Airey, in which he states that up to yesterday morning there was no intelligence nor trace of the Messrs. Bonnell.

I have, &c.
(Signed) A. H. LAYARD.

No. 28.

Mr. Layard to the Earl of Clarendon.—(Received May 31.)

My Lord,

Madrid, May 28, 1870.

I HAVE the honour to inclose to your Lordship herewith copies of further correspondence on the subject of the late capture of the Messrs. Bonnell by Spanish brigands.

I have, &c.
(Signed) A. H. LAYARD.

Inclosure 1 in No. 28.

Sir R. Airey to Mr. Layard.

(Extract.)

Gibraltar, May 25, 1870,

WITH reference to my despatch of 23rd instant, I have the honour to transmit to your Excellency a copy of a letter which I have received from the Governor of Algeciras.

I received your telegram in reply to mine, respecting the issue of a safe-conduct to Raphael Gabaron at 2·30 this morning, and the requisite instructions from the Spanish Government, reached the Spanish Consul here almost the same time.

The safe-conduct was immediately prepared, but as Gabaron was sleeping on board of a vessel in the bay, it was after 4 o'clock this morning before the Town Mayor saw him. He started, however, before daylight, with instructions to find out the retreat of the brigands, to negotiate with them for the ransom of the Messrs. Bonnell, and to return to Gibraltar with all possible expedition.

He received further messages from the Bonnell family, and a sum of money to defray his own expenses.

Inclosure 2 in No. 28.

Señor Servert to Sir R. Airey.

(Translation.)

Excellency,

IN reply to your communication of yesterday I have to inform you that, as soon as the disagreeable occurrence of the capture of Mr. John Bonnell and his nephew, inhabitants of Gibraltar, by five brigands, apparently Spaniards, became known, the said capture having been made at the place named Saval, in the district of the Gibraltar Lines, when those gentlemen were returning, in the evening of the 21st instant, from their usual ride, the most active and proper measures were taken for their release. The antecedents and circumstances known up to the present time causes it to be presumed that the criminals will be taken, and that I shall very soon have the satisfaction of being able to communicate that fact to your Excellency.

Your Military Secretary will already have informed your Excellency of the immediate measures taken for arriving at the desired result; and yesterday evening, after my interview with that gentleman, the Civil Guard and their Commander, abandoning their other duties, bent all their energies to that object, and will not rest in their endeavours to attain it.

Up to this time we know something of the description of the persons who committed the crime, and the name of one of them; and we have learned that they were armed and mounted, four of them on horses, and one on a mule, and that they carried off a horse belonging to the captives, and a mule belonging to one Don Antonio Herrera.

Your Excellency will be sure that nothing will afford me greater satisfaction than to

give you shortly good news concerning this matter, which has produced such a disagreeable effect upon me.

God preserve, &c.

(Signed)

J. N. SERVET.

Inclosure 3 in No. 28.

Consul Reade to Mr. Layara.

Cadiz, May 26, 1870.

Sir,

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 24th instant, instructing me as to the language to be held in my communications with the local authorities, respecting the late capture by Spanish brigands of the Messrs. Bonnell, of Gibraltar, and directing me to report to the Governor of Gibraltar, as well as to your Excellency, any information I may obtain with reference to the captives.

From my former communications on the subject, your Excellency will have ere this learnt that the instructions now transmitted to me have, in some measure, been anticipated, and that the Governor of the province has removed to the immediate neighbourhood of the locality where the act of brigandage was perpetrated.

I need scarcely add I shall continue to act in this matter conformably with your Excellency's directions, and have transmitted corresponding instructions to Mr. Vice-Consul Francia, at San Roque, who will at the same time place himself in communication with the Governor of Gibraltar.

The brigands who, I believe, are known to originate from the district of Ronda, were traced in that direction as far as the River Guadiaro only a few hours after the occurrence of the "enlèvement," and have doubtlessly conveyed their prize to some hiding-place in the Sierra.

Beyond the knowledge of this information, the Governor did not up to the eve of his departure possess any clue whatever to the movements or whereabouts of the fugitives. As, however, money, is evidently the object of the brigands, he confidently relies on an early recovery of the captives by the payment of a ransom

I have, &c.

(Signed) T. F. READE.

No. 29.

Consul Reade to the Earl of Clarendon.—(Received May 31.)

My Lord,

Cadiz, May 24, 1870.

I HAVE the honour to transmit to your Lordship herewith a copy of a despatch which I this day addressed to Her Majesty's Minister at Madrid, with reference to the capture by Spanish brigands of two British subjects resident at Gibraltar.

I have, &c.

(Signed) THOS. F. READE.

Inclosure in No. 29.

Consul Reade to Mr. Layard, May 24, 1870.

[See Inclosure in No. 23.]

No. 30.

Consul Reade to the Earl of Clarendon.—(Received May 31.)

My Lord,

Cadiz, May 25, 1870.

I HAVE the honour to transmit herewith the inclosed copy of a communication from this Office to Her Majesty's Minister at Madrid, informing his Excellency that the Civil Governor of this district has proceeded to the neighbourhood of the locality where the Messrs. Bonnell, of Gibraltar, were seized and carried off by Spanish brigands.

I have, &c.

(Signed) THOS. F. READE.

Inclosure in No. 30.

Consul Reade to Mr. Layard.

Sir,

Cadiz, May 25, 1870.

WITH reference to my despatch of yesterday, I have the honour to inform your Excellency that, at an early hour this morning, the Civil Governor of this Province embarked on board the steam-vessel "Algeria" and proceeded in her to the Spanish lines, Gibraltar.

I have, &c.

(Signed) THOS. F. READE.

No. 31.

Mr. Herbert to Mr. Hammond.—(Received May 31.)

Sir,

Downing Street, May 31, 1870.

REFERRING to previous correspondence I am directed by Earl Granville to transmit to you, for the information of the Earl of Clarendon, copies of three despatches, with inclosures, from the Governor of Gibraltar, giving further particulars connected with the events, already reported by telegrams, attending the capture of British subjects by Spanish brigands, and the steps taken to attempt their release.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 31.

Sir R. Airey to Earl Granville.

My Lord,

Gibraltar, May 22, 1870.

I AVAIL myself of the earliest opportunity to transmit by the packet, hourly expected, a copy of a telegram which I had the honour of addressing to your Lordship, reporting the capture of Mr. John Bonnell and his nephew Mr. John Anthony Bonnell, British subjects and merchants of Gibraltar, by a party of Spanish brigands yesterday evening about four miles from Gibraltar, in Spanish territory, on their return from their usual ride.

I also beg to transmit to your Lordship a copy of a communication which I received this morning from Mr. Varese, of this city, and upon the receipt of which I lost no time in placing myself in communication with Mr. Layard, Her Majesty's Minister at Madrid, and with the Governor of Algeciras, the Military Commandant of the Spanish lines, and Mr. Francis Francia, Her Majesty's Vice-Consul at San Roque, with a view to insure the safety and obtain the speedy release of the captives.

I shall not fail to communicate to your Lordship forthwith the result of my representations to the Spanish authorities, and I would call your Lordship's special attention to the concluding of Mr. Varese's communication that a body of the Guardia Civil in charge of Sergeant Molina left the Spanish lines early this morning in pursuit of the brigands.

I earnestly trust the pursuit of the brigands may be conducted with due caution and without endangering the safety of the captives, who, and their friends, are willing to submit to the payment of any reasonable sum that may be demanded for their ransom.

I have, &c.

(Signed) RICHARD AIREY.

Inclosure 2 in No. 31.

Telegram from Sir R. Airey to Earl Granville, May 22, 1870.

[See No. 1.]

Inclosure 3 in No. 31.

Deposition of Joseph Varese.

[See Inclosure 5 in No. 22.]

Inclosure 4 in No. 31.

Sir R. Airey to the Governor of Algeciras.

Sir,

Gibraltar, May 22, 1870.

I HAVE the honour to transmit the accompanying copy of a communication which has been submitted to me by Mr. J. Varese, representing that yesterday evening Mr. John Bonnell and his nephew on their return from their usual ride on the eastern beach, in Spanish territory, were captured by apparently Spanish brigands, and have not since been heard of.

The gentlemen are British subjects of great respectability, possessing property in Gibraltar.

I have the honour to request that you will be so good as to acquaint me if any and what steps have been or are proposed to be taken for the immediate release of these gentlemen, and the seizure of the persons implicated in this extraordinary outrage.

I have, &c.

(Signed) RICHARD AIREY.

Inclosure 5 in No. 31.

Governor Sir R. Airey to Earl Granville.

My Lord,

Gibraltar, May 23, 1870.

WITH reference to my despatch of yesterday, forwarding to your Lordship by the packet which left for Southampton early this morning, and to my telegrams dated yesterday and to-day relating to the capture of Mr. Bonnell and his nephew by a party of Spanish brigands, I have the honour to transmit to your Lordship copies of two communications which I have received from the Commandant of the Spanish lines, also copies of a note and an official letter from Mr. Francis Francia, Her Majesty's Vice-Consul at San Roque, regarding this unfortunate occurrence.

From the correspondence your Lordship will perceive that the Spanish authorities have been most prompt in the steps they have taken, and they are doing all in their power for the liberation of the captives and the discovery of the retreat of the brigands.

I regret to say that up to the present moment their efforts have been unsuccessful, and no communication whatever has yet been received at Gibraltar relating to the ransom, which it was expected the brigands would ere this have demanded for the liberation of the captives.

I have, &c.

(Signed) RICHARD AIREY.

Inclosure 6 in No. 31.

Telegram from Sir R. Airey to Earl Granville, May 23, 1870.

[See Inclosure in No. 10.]

Inclosure 7 in No. 31.

Señor Gatrid to Sir R. Airey, May 22, 1870.

[See Inclosure 2 in No. 25.]

Inclosure 8 in No. 31.

Señor Gatrid to Sir R. Airey, May 23, 1870.

[See Inclosure 3 in No. 25.]

Inclosure 9 in No. 31.

Vice-Consul Francia to Sir R. Airey, May 22, 1870.

[See Inclosure 4 in No. 25.]

Inclosure 10 in No. 31.

Vice-Consul Francia to Sir R. Airey, May 23, 1870.

[See Inclosure 5 in No. 25.]

Inclosure 11 in No. 31.

Sir R. Airey to Earl Granville.

My Lord,

Gibraltar, May 24, 1870.

I HAVE the honour to acknowledge the receipt of your Lordship's telegram of yesterday, and have communicated to the Governor of Algeciras the Earl of Clarendon's earnest request to the Spanish Government, through Mr. Layard, not to pursue the brigands until the captives are released.

In continuation of my despatch transmitted to your Lordship yesterday, via Spain, and with reference to my telegram of this day's date, I have to acquaint your Lordship that I was informed this morning that three Spaniards now in Gibraltar, on temporary permits, have expressed their willingness to proceed into Spain and endeavour to effect the release of the captives. One of them, however, named Gabaron, being politically compromised, refuses to go without a safe-conduct from the Spanish Government, and the other two will not go without him.

An application was made to the Spanish Consul for a safe-conduct, but that officer having personally informed me that it was not in his power to grant it without instructions from the Spanish Government, I at once telegraphed to Mr. Layard to urge the Spanish Government to grant the necessary authority. I trust that through Mr. Layard's good offices the difficulty will be speedily overcome, and that I shall soon be in a position to report to your Lordship the departure of the three individuals on their delicate and important mission.

I have, &c.

(Signed) RICHARD AIREY.

P.S.—I beg to inclose a copy of a letter from the Governor of Algeciras, dated 23rd instant, informing me of the steps taken by him for the liberation of the captives.

R. A.

Inclosure 12 in No. 31.

Señor Servert to Sir R. Airey, May 23, 1870.

[See Inclosure 2 in No. 28.]

No. 32.

Mr. Herbert to Mr. Hammond.—(Received June 1.)

Sir,

Downing Street, June 1, 1870.

WITH reference to my letter of yesterday, I am directed by Earl Granville to transmit to you, for the information of the Earl of Clarendon, a copy of a despatch from the Governor of Gibraltar, reporting the departure of Raphael Gabaron from Gibraltar to endeavour to obtain the release of Messrs. Bonnell from the Spanish brigands.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 32.

Sir R. Airey to Earl Granville.

My Lord,

Gibraltar, May 25, 1870.

WITH reference to my telegram, a copy of which is herewith inclosed, and my despatch of yesterday's date, I have the honour to inform your Lordship that I received a telegram from Mr. Layard at 2.30 this morning, informing me that the Spanish Government had sent instructions to the Spanish Consul here to come to an understanding with me, and give a safe-conduct to Raphael Gabaron if necessary.

A telegram from the Spanish Government in a like sense reached the Spanish Consul about the same time, and no time was lost in making all the necessary arrangements for the immediate departure of Gabaron on his important errand.

He started at daybreak this morning, with instructions to find out the retreat of the brigands, to arrange with them for the ransom of the captives, and to return with all possible expedition to Gibraltar.

He also received instructions from the Bonnell family, and a sufficient sum of money to meet his expenses.

I have, &c.
(Signed) RICHARD AIREY.

Inclosure 2 in No. 32.

Telegram from Sir R. Airey to Earl Granville, May 26, 1870.

[See No. 15.]

No. 33.

Mr. Layard to the Earl of Clarendon.—(Received June 2.)

My Lord,

Madrid, May 30, 1870.

I HAVE the honour to transmit herewith, for your Lordship's information, copies of further correspondence upon the subject of the capture of the Messrs. Bonnell by Spanish brigands.

I have, &c,
(Signed) A. H. LAYARD.

Inclosure 1 in No. 33.

Sir R. Airey to Mr. Layard.

Sir,

Gibraltar, May 26, 1870, 5.30 P.M.

I HAVE the honour to acknowledge the receipt of your Excellency's letter dated 23rd instant, the morning after the arrival at Madrid of my first telegram, regarding the capture of the Messrs. Bonnell, British subjects, and residents at Gibraltar, by Spanish brigands, on Spanish territory, on the evening of the 21st instant.

I beg to be permitted to express my thanks for your Excellency's valuable exertions on this occasion, and for the active measures immediately and at once adopted by the Spanish Government, with the further assurance that no exertions nor expense would be spared to effect the safe release of the captives.

I regret to say that until this moment no positive trace has been arrived at with regard to the parties implicated.

A glance at the map of Andalusia will show the Sierra of Vermeja, running south-east and north-west to Monte of Ronda, a country rugged and inaccessible in itself, and intersected by deep rocky ravines towards the sea. It is supposed that the brigands, after crossing the Guadiaro River, have proceeded with their captives to the neighbourhood of Manilola and north of Estepona, where a precipitous country with numerous caves facilitates concealment.

Within the last few days, several emissaries of notoriety, as being acquainted with the contrabandists, and perhaps with the brigands themselves, have been dispatched to

that locality, in order to arrange terms for the safe liberation of the captives, which I have some reason to hope, from hearsay of their friends, may be effected.

The Governor of Cadiz arrived last evening at San Roque, and sent me a message to say that he would come into Gibraltar, but I have not yet seen him.

I have, &c.

(Signed) RICHARD AIREY.

Inclosure 2 in No. 33.

Consul Mark to Mr. Layard.

Sir,

Malaga, May 27, 1870.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 24th instant, confirmatory of your telegram of the same day, relative to the distressing case of the Messrs. Bonnell.

I considered it my duty to transcribe to the Governor of this province a translated copy of the above cited despatch, which I placed in his hands yesterday.

It is with regret that I report to your Excellency that up to this evening no intelligence or clue has been obtained in this quarter which might lead to the discovery of the brigands or their captives. Doubts are now entertained as to their having entered the territory of this province. The place of the seizure is in the Province of Cadiz; and it is not improbable that, instead of making for the Serrania de Ronda, they may have taken an opposite direction, with the object of baffling their pursuers. The Governor has telegraphed to the Spanish Consul at Gibraltar to transmit to his Excellency any intelligence that may be elicited through his agency. As soon as anything of interest becomes known here, I shall telegraph it to your Excellency without a moment's delay.

I have, &c.

(Signed) WM. PENROSE MARK.

Inclosure 3 in No. 33.

Sir R. Airey to Mr. Layard.

Sir,

Gibraltar, May 27, 1870.

I HAVE the honour to acknowledge the receipt last night of your Excellency's letter dated 24th instant, with reference to the capture of the Messrs. Bonnell by Spanish brigands on the 21st instant, and requesting to be furnished with all further information which can be obtained on this, as well as on other points, in order that your Excellency may make such communications as may be necessary to the Spanish Government.

I am in hopes that my telegrams up to 25th instant will have kept your Excellency informed of all material points, since which time nothing has transpired, and no information or trace of the brigands has been discovered.

Subsequently to the sending off of my despatch dated yesterday evening, I received a visit from the Governor of Cadiz, who had already been at San Roque, and who assured me that no means had been left untried to insure the safety of the captives and for their speedy release, and that the most explicit instructions had been given to suspend all pursuit of the brigands until the captives had been released, and, in fact, that no steps should be taken which might endanger their lives.

It appears that the Messrs. Bonnell, the younger of whom possesses considerable property, were in the habit of riding out every afternoon and stopping at a farm-house called the "Ventorrillo de Sabal," on the eastern beach, under a high rocky hill called the "Queen of Spain's Chair," about four miles from Gibraltar.

It appears that a party of five men had been hanging about San Roque, and had come into Gibraltar, and there seems to be no doubt that these people, who are now known to be a band from Malaga, possibly in connection with some person or persons in Gibraltar, made themselves acquainted with the circumstances and habits of the Messrs. Bonnell, and that their seizure was the result of an organized plan.

The eldest Mr. Bonnell, the uncle, is an infirm paralyzed man, who can scarcely walk, although he can sit on horseback, and used to take daily rides, always accompanied by his nephew, a young man of delicate constitution, and supposed to be incapable of much fatigue.

The general feeling here is that one or other of these men will be able to proceed to the place of concealment of the brigands, who, I believe, are personally known to them,

and as they have been instructed to guarantee such amount of ransom as may be demanded by the brigands, fair hopes may be entertained of their safe liberation.

I have, &c.
(Signed) RICHARD AIREY.

No. 34.

Mr. Layard to the Earl of Clarendon.—(Received June 3.)

My Lord,

Madrid, May 31, 1870.

I HAVE the honour to inclose for your Lordship's information translations of three telegrams which were communicated to me yesterday by Señor de Blas, the Under-Secretary of State for Foreign Affairs. It would appear from them that although the hiding-place of the brigands had not yet been discovered, the Spanish authorities were on their track, and had reason to believe that they would soon be able to effect the release of the captives. As Señor de Blas had expressed to me an opinion that it would be advisable not to make any further offers of money from Gibraltar to the brigands, which would only have the effect of raising their demands and rendering the liberation of the prisoners more difficult, I have telegraphed Señor de Blas's opinion to Sir Richard Airey.

I have, &c.
(Signed) A. H. LAYARD.

P.S.—Since writing the above I have received from Sir Richard Airey the following telegram:—"Let all remain quite quiet for the present; no pursuit, no molestation."

Inclosure in No. 34.

Telegrams received by the Minister of the Interior.

(Translation.)

(No. 1.)

The Governor to the Minister of the Interior.

Malaga, May 30, 1870, 11 A.M.

RECEIVED this morning last night's telegram. No news of emissaries, which is not to be wondered at, owing to difficulty of communicating. The person who promises to obtain release has just left here; but the publicity given to the great offers made from Gibraltar excites cupidity and impedes success. Before making the "coup," they were in the inn "La Palma," at San Roque, and then went to the tavern called "Sabal," close to the lines; they are young. I am in possession of a description of the men and of their horses, and will not lose the trace. I am in want of funds.

(No. 2.)

The Governor's Secretary to the Minister of the Interior.

Cadiz, May 29, 1870, 12.45 midnight.

Governor remains at San Roque. I have sent him your Excellency's telegram, which he will not receive before to-morrow, after 7 A.M., as there is no communication with that place before then.

(No. 3.)

San Roque, May 30, 1870, 8:30 A.M.

Received your Excellency's last night's telegram sent to the capital (Cadiz). The steps taken for the release of the captives are being unremittingly pursued. There are grounds for supposing that they will have a speedy and favourable result. Your Excellency may rest assured that I will spare no efforts to arrive at the end desired by your Excellency.

No. 35.

Mr. Layard to the Earl of Clarendon.—(Received June 4.)

My Lord,

Madrid, June 1, 1870.

SEÑOR DE BLAS communicated to me yesterday evening a telegram from the Governor of Malaga, stating that his Excellency had been informed from Ronda that it was confidently believed that within a very short time the Messrs. Bonnell would be released. At night, I received a telegram from Sir Richard Airey, confirming this information in these words:—"An emissary from Malaga writes, 'buenas noticias, mucho silencio,' so all remains quiet for the present."

I have every hope, therefore, that I shall soon be able to inform your Lordship that the captives have been released.

I am, &c.

(Signed) A. H. LAYARD.

No. 36.

Mr. Layard to the Earl of Clarendon.—(Received June 4, 1.30 P.M.)

(Telegraphic.)

Madrid, June 4, 1870.

MINISTER of Interior informs me that Messrs. Bonnell are released and are gone to Gibraltar with the Governor of Gibraltar.

No. 37.

Mr. Layard to the Earl of Clarendon.—(Received June 5.)

(Telegraphic.)

Madrid, June 4, 1870, 2:8 P.M.

THE Governor of Gibraltar telegraphs to me that only the elder Bonnell is arrived to arrange ransom.

No. 38.

Sir R. Airey to the Earl of Clarendon.—(Received June 5.)

(Telegraphic.)

San Roque, June 4, 1870, 4:25 P.M.

MR. BONNELL, the uncle, arrived at Gibraltar this morning to arrange ransom. Come by steamer from Cadiz. Inaction and secrecy still necessary.

No. 39.

Mr. Layard to the Earl of Clarendon.—(Received June 6.)

My Lord,

Madrid, June 3, 1870.

I HAVE the honour to inclose, for your Lordship's information, translation of a telegram from the Governor of Cadiz to the Minister of the Interior, which was commu-

nicated to me by Señor de Blas yesterday afternoon, and copy of a telegram from the Governor of Gibraltar, which I received late in the evening.

Under the circumstances mentioned in those telegrams there is nothing to be done here but to remain perfectly quiet.

Señor de Blas informed me yesterday that a Council of the Ministers was held with regard to the Messrs. Bonnell, and that Señor Rivero, the Minister of the Interior, was authorized to expend the sums necessary for the release of those gentlemen. He said that the expenses would be very considerable, but that the Spanish Government were determined to vindicate the honour of the country, and that when the captives were once safe they would take measures to punish the criminals in this affair and to prevent the recurrence of such an outrage, which, there was reason to hope, would be effective.

I have, &c.

(Signed) A. H. LAYARD.

Inclosure in No. 39.

The Governor of Cadiz to the Minister of the Interior.

(Translation.)

(Telegraphic.)

San Roque, June 2, 1870.

OUR hopes are increased of obtaining a speedy and favourable result to the steps taken for the rescue of the Messrs. Bonnell. I ask your Excellency's advice whether I ought to return to Cadiz, where other business calls me.

No. 40.

Sir F. Rogers to Mr. Hammond.—(Received June 7.)

Sir,

Downing Street, June 7, 1870.

WITH reference to previous correspondence I am directed by Earl Granville to transmit to you, for the information of the Earl of Clarendon, copies of two further telegrams from the Governor of Gibraltar, relative to the progress of the negotiations for the release of the Messrs. Bonnell.

I am, &c.

(Signed) FREDERIC ROGERS.

Inclosure 1 in No. 40.

Sir R. Airey to Earl Granville.

(Telegraphic.)

San Roque, June 6, 1870, 5.7 P.M.

I HAVE just received the following telegram dated Cadiz, June 6, 2.25 P.M.:—

“Delivering cash to Chief. Captive will arrive here by to-night.—RECANO.”

Inclosure 2 in No. 40.

Sir R. Airey to Earl Granville.

(Telegraphic.)

San Roque, June 6, 1870, 3.23 P.M.

THE following telegram has just been communicated to me from Cadiz, June 6, 8.34 P.M.:—

“To Gibraltar Post Office: Manuel Montegriffo.

“Affair marching exceedingly well. John had interview Chief. Expect we shall all get there to-morrow night. Inform his Excellency and the family.”

No. 41.

Mr. Layard to the Earl of Clarendon.—(Received June 7, 10.30 P.M.)

(Telegraphic.)

Madrid, June 7, 1870, 7.35 P.M.

THE Secretary of the Governor of Cadiz telegraphs to the Minister of the Interior that the second Mr. Bonnell is arrived at Puerto de Santa Maria; both are now, consequently, released.

No. 42.

Mr. Layard to the Earl of Clarendon.—(Received June 8.)

My Lord,

Madrid, June 4, 1870.

SEÑOR RIVERO, the Minister of the Interior, has sent me his Secretary with a telegram from the Governor of Cadiz, stating that he has just heard that the Messrs. Bonnell have arrived at Gibraltar, and that he is himself going to that place.

I have, &c.

(Signed) A. H. LAYARD.

No. 43.

Mr. Layard to the Earl of Clarendon.—(Received June 8.)

My Lord,

Madrid, June 4, 1870.

HIS Highness the Regent has just sent one of his aides-de-camp to me to inform me that the Messrs. Bonnell have been released, and to express to me, on his Highness's behalf, the very great pleasure and satisfaction which he has experienced on receiving this information.

I may avail myself of this opportunity to state to your Lordship that his Highness has on several occasions expressed to me personally the great pain and regret which he has felt at the outrage upon subjects of Her Majesty, and his deep sympathy with the captives and their families.

I have, &c.

(Signed) A. H. LAYARD

No. 44.

Mr. Layard to the Earl of Clarendon.—(Received June 8.)

My Lord,

Madrid, June 5, 1870.

AS I had the honour of informing your Lordship in my despatches of yesterday, the Regent sent an aide-de-camp, and the Minister of the Interior a Secretary, to inform me that the Messrs. Bonnell had been released, and had reached Gibraltar. Fully relying on this information, which there was no reason to question, I telegraphed it at once to your Lordship. It was not till 8 o'clock in the evening that I received a telegram from Sir Richard Airey, informing me that only one of the Messrs. Bonnell, the uncle, had arrived in Gibraltar in order to arrange for the payment of the ransom required by the brigands, who still retained his nephew. Sir Richard Airey again urged "inaction and secrecy."

I lost no time in telegraphing to your Lordship, and in communicating with Señor de Blas, who was inclined to maintain the accuracy of the report of the Governor of Cadiz. Late at night, however, I received letters from him, and from the Minister of the Interior, confirming the information sent by Sir Richard Airey, and inclosing several telegrams to and from the Governor of Cadiz (copies of which are inclosed for your Lordship's information), explaining the misunderstanding which had arisen, and which is to be attributed, it would appear, to the zeal of the Governor of Cadiz.

The Regent, whom I had an opportunity of seeing last night, expressed to me his regret at what had occurred, and assured me that the most positive injunctions had again been sent to the authorities to abstain from any steps which might endanger the safety of the Messrs. Bonnell.

I have this morning received a copy from the Minister of the Interior of a further telegram from the Governor of Cadiz, which states that the elder Mr. Bonnell has already left Gibraltar with the money required for the release of his nephew, and which amounts, it is stated, to 22,000 duros, or nearly 4,500l.

I have, &c.
(Signed) A. H. LAYARD.

Inclosure in No. 44.

Telegrams between the Minister of the Interior and the Governor of Cadiz.

(Translations.)

(No. 1.)

The Governor of Cadiz to the Minister of the Interior.

San Roque, June 4, 1870.

I HAVE just heard that the Messrs. Bonnell have arrived at Gibraltar. I am leaving for that place.

(No. 2.)

Sir R. Airey to Mr. Layard.

San Roque, June 4, 1870, 6.14 P.M.

Mr. Bonnell, the uncle, arrived at Gibraltar this morning to arrange ransom. Came by steamer from Cadiz. Inaction and secrecy still necessary.

(No. 3.)

The Governor of Cadiz to the Minister of the Interior.

San Roque, June 4, 1870.

At the moment of leaving for Gibraltar I hear that Mr. John Bonnell, the elder of the two captives, has arrived in that place to get 22,000 duros, the amount of ransom. The other remains as a hostage. Your Excellency may consider this information as official.

(No. 4.)

The Minister of the Interior to the Governor of Cadiz, at San Roque.

Madrid, June 4, 1870.

I call your attention to your despatch of 12.15 of to-day. You should consider that I have communicated that despatch to every one, on the information sent by you. I could not believe that you could have communicated to me information of so much importance, without the most complete certainty. I hasten to tell you, without, however, having yet communicated with the Council of Ministers, that before exposing to any risk the life of the captive, the Government will provide the 22,000 duros, which will be delivered to the Ambassador here. Do not lose a moment.

(No. 5.)

The Spanish Consul to the Minister of State.

San Roque, June 4, 1870, 3.55 P.M.

The elder of the captives Bonnell has arrived. The ransom is being prepared for the other, who is well and carefully concealed. The greatest secrecy is necessary in order not to jeopardise his life.

(No. 6.)

*The Minister of the Interior to the Governor of Cadiz, at San Roque.**Madrid, June 4, 1370, 11.20 P.M.*

I am in despair. Tell me if the two Messrs. Bonnell are in Gibraltar.

(No. 7.)

The Governor of Cadiz to the Minister of the Interior.

Let your Excellency discard all fear. The elder Mr. Bonnell has already left with the amount of the ransom in order to release his nephew. He has passed the whole day in Gibraltar arranging this affair.

(No. 8.)

The Minister of the Interior to the Governor of Cadiz.

Keep me informed. I thought that the two Bonnells were in Gibraltar, and I communicated it to every one. Let the news of the two come as soon as possible, in order to avoid the very bad effect of this error.

(No. 9.)

The Governor of Cadiz to the Minister of the Interior.

The mistake arose from the English authorities at Gibraltar, and my impatience to communicate to your Excellency the news led me into error. Let your Excellency be assured that the release of the younger Bonnell is certain, and in any case the Governor of Gibraltar can tell his Government how much has been done and is still doing for the captives.

(No. 10.)

The Minister of the Interior to the Governor of Cadiz.

Keep me well informed.

No. 45.

Consul Reade to the Earl of Clarendon.—(Received June 8, 6.5 A.M.)

(Telegraphic.)

Cadiz, June 7, 1870, 1.25 P.M.

RANSOM paid and remaining captive liberated. The two Bonnells proceeded to Gibraltar in "Trinculo."

No. 46.

Sir R. Airey to the Earl of Clarendon.—(Received June 8, 6.7 A.M.)

(Telegraphic.)

Gibraltar, June 7, 1870, 5 P.M.

I HAVE the satisfaction to report the receipt of the following telegram addressed to me by Mr. Recano, dated Cadiz, June 7, 10.45 A.M.:—"Captive released."

No. 47.

Mr. Layard to the Earl of Clarendon.—(Received June 8, 6 P.M.)

(Telegraphic.)

Madrid, June 8, 1870.

THE brigands who captured the Bonnells were waylaid on their return from Puerto Santa Maria, and three out of the four killed by the Spanish Guardia Civil. The fourth will, it is expected, be taken. Ransom recovered, I understand.

No. 48.

Mr. Herbert to Mr. Hammond.—(Received June 8.)

Sir,

Downing Street, June 8, 1870.

I AM directed by Earl Granville to acquaint you, for the information of the Earl of Clarendon, that the following telegram has just been received from the Governor of Gibraltar relative to the captives in Spain :—" Wednesday, 10 A.M. Messrs. Bonnell arrived here last night in gun-boat 'Trinculo,' perfectly well."

I am, &c.

(Signed) ROBERT G. W. HERBERT.

No. 49.

*Mr. Hammond to Mr. Herbert.**

Sir,

Foreign Office, June 8, 1870.

I AM directed by Earl Clarendon to acquaint you, for the information of Earl Granville, that, in a telegram dated yesterday, Mr. Layard reports that two English officers had been fired at the previous evening near Gibraltar, but the parties who attacked them were captured; and that the Spanish Government were determined to take the severest measures to clear the country of such malefactors.

I am, &c.

(Signed) E. HAMMOND.

No. 50.

Mr. Herbert to Mr. Hammond.—(Received June 8.)

Sir,

Downing Street, June 8, 1870.

I AM directed by Earl Clarendon to transmit to you, for the information of the Earl of Clarendon, a copy of a telegram from the Governor of Gibraltar, announcing the release of the English captives in the south of Spain.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 50.

Sir R. Airey to Earl Granville.

(Telegraphic.)

Gibraltar, June 7, 1870, 5 P.M.

HAVE the satisfaction to report the receipt of the following addressed to me by M. Recano, dated Cadiz, June 7, 10.45 A.M. :—" Captive released."

Mr. Layard to the Earl of Clarendon.—(Received June 9.)

My Lord,

Madrid, June 6, 1870.

I HAVE the honour to inclose for your Lordship's information copy of a despatch and its inclosures, which I have received this morning from the Governor of Gibraltar. I beg to call your Lordship's attention to the statement made by John Remos, one of the emissaries sent in search of the captives, that their liberation "is a mere question of money, in which there is complicity at Gibraltar."

I have, &c.
(Signed) A. H. LAYARD.

Inclosure 1 in No. 51.

Sir R. Airey to Mr. Layard.

Sir,

Gibraltar, June 3, 1870.

I HAD the honour last night to receive your Excellency's letter, dated 31st ultimo, transmitting to me the copies of three telegrams, which your Excellency had received from the Minister of Foreign Affairs, dated as per margin.

On the 31st ultimo, I addressed a telegram to your Excellency, to the following effect: "An emissary from Malaga writes, 'Buenas noticias, mucho silencio;' so all remains quiet for the present."

On the 1st instant I transmitted the following telegram:—"I have a telegram from Malaga, stating, 'Mejor noticias, silencio;' no offer of money has been made from here."

On the 2nd instant I transmitted the following telegram: "Accounts from emissary near Malaga still hopeful and promising; captives well, and well cared for. Question only of time and money."

To-day I have transmitted a telegram dated Malaga, 2nd instant, stating merely, "Buenas noticias."

I have the honour to acquaint your Excellency that I am in daily communication with the Governor of Cadiz, who is now residing at San Roque, and am made fully acquainted with such measures as he may adopt with regard to the liberation of the Messrs. Bonnell, at the hands of the brigands, but which are confined to repressing any action on the part of the troops or Guardia Civil towards the brigands.

With reference to the information conveyed to me by your Excellency, that Señor de Blas had stated that it was the opinion at Madrid that no further offers of ransom should be made from Gibraltar, I have the honour to explain, with reference to my remark in the telegram above alluded to, dated June 1, that no authorized offer of any ransom has been officially made, although the relations of the Messrs. Bonnell did in the first instance of their own accord, privately instruct the emissary sent to negotiate for ransom, without specifying any sum.

In my opinion, and I am supported by that of persons here who have had experience in such matters, that it is more judicious to wait for overtures from the parties implicated.

In the meantime, this morning, the accompanying copy of a letter from the emissary at Malaga, received by a friend of the Bonnell family, was put into my hands, which I have the honour to transmit for your information; and I likewise transmit the translation (the original having been sent to the Governor of Cadiz at San Roque, and not yet returned) of a letter from the same individual at Malaga, dated 31st ultimo.

I have, &c.
(Signed) RICHARD AIREY.

Inclosure 2 in No. 51.

Señor Ramos to Señor Montegriffo.

(Translation.)

Don Manuel Montegriffo,

Malaga, May 31, 1870.

THE object of this is to tell you that Providence led me on the 28th instant to go and dine at a place where I met a person also dining who recognized me so much so that I discovered myself to him, and through this friend I have discovered everything.

You may, therefore, tell the family of Don Juan that they are well, and taken good care of.

They were going to keep them for, at least, one month without letting one know anything about them until everything was quiet. They will soon bring me writings from both of them for the satisfaction of their family, and to satisfy them that they are alive.

It is a mere question of money, and in which there is complicity in Gibraltar, for they are decent (respectable) robbers, and I had the pleasure of seeing two of them last night. I tried to come to terms with them, and they answered that they would arrange matters with Don Juan, and bring to me them (*i.e.*, the captives), order for the money, and where I am to take it, holding myself responsible for everything by my life and that of the captives. I recommend you the utmost silence, because so it behoves me and every one else, for they are bad people.

Don Manuel, you will soon see me there (Gibraltar), don't ask me for further particulars, because I cannot give them, and these people don't wish them noised about. Don Manuel, this letter is dictated by one of them, you can, therefore, recall the other emissaries who have gone out, because I may say that I have them—the captives—delivered.

Should any one ask any questions always answer the same as before, that nothing is known, because you know full well what gossips the people in Gibraltar are. If anything can be done about the Guardia Civil, to do it.

I wrote you another letter on the 30th instant. Tell Señor Ruano to let my wife know that I am well.

(Signed) JUAN RAMOS.

Inclosure 3 in No. 51.

Señor Ramos to Señor Recano.

(Translation.)

Señor Don Antonio Recano, *Malaga, June 1, 1870.*

THE object of the present is to let you know that the matter is well arranged, and the individual with whom we are treating charges me to say that he knows that the Governor of Cadiz is in San Roque, and that he should go away, for his presence there may be of injury to the captives, and as regards myself he says that I must stay quiet, that he [several words illegible, but the sense apparently is] will let me know when he will give me the orders (for money), signed by Don Juan and his nephew, for it is at night that I have an interview with this individual, and at the same time I see others who are always telling me to have no care, that I shall take them to Gibraltar [the rest of the paragraph unintelligible].

Yesterday, the 31st, he sent for me, took me by the hand and said, what you cannot succeed in doing, not even the Governor of the province can succeed in doing; and he said, "You shall carry them off; but tell them at Gibraltar, Much silence." You may imagine all that I do not say to you, for until I see you we must be very patient as long as they wish, and they further charge me to say that the captives are in good health and well cared for.

Yesterday at 3 P.M. they asked me for the horse, which has not appeared so far.

Don Antonio, at 10 I received your letter by post, and I am sending two to Montegriffo. These people are driving me mad, I see that they are in company with some from other places, and that there are amongst them persons of [word illegible] and of utility, and the robbers give these affairs into their charge, for they have accomplices in Cordova, Antequera, and Granada, according to some words I caught; finally, I much desire silence, and then we shall see what will happen.

Be so good as to point out that my money came to an end this morning, for these are affairs in which it is necessary to spend money, and I should be grateful if the family would send me what they choose, and say that if I had not had hopes of succeeding I would have left already, and that this is an indispensable expense, and one always before them.

No more for the present, good-bye, &c.

(Signed) JOSE RAMOS.

P.S.—Don Antonio, let my wife know privately that I am well, for I do not want to write to San Roque.

No. 52.

Consul Reade to the Earl of Clarendon.—(Received June 9.)

(Telegraphic.)

Cadiz, June 8, 1870.

THREE of the brigands who kidnapped the Bonnells were shot near Seville last night; the other two are tracked or surrounded.

No. 53.

The Earl of Clarendon to Mr. Layard.

Sir,

Foreign Office, June 9, 1870.

THE Messrs. Bonnell having been released from the duration in which they have been held by the brigands, and the greater part of their captors having been overtaken and slain, it only remains for me to express to you the entire approval of Her Majesty's Government of the exertions which you have made in behalf of the captives, and to instruct you to convey to the Spanish Government the warm acknowledgments of that of Her Majesty for the promptitude and earnestness of the measures taken by them to obtain the release of the British captives.

I am, &c.
(Signed) CLARENDON.

No. 54.

Mr. Hammond to Sir F. Rogers.

Sir,

Foreign Office, June 9, 1870.

MESSRS. BONNELL having been released from the hands of the brigands, most of whom have been subsequently overtaken and slain by the Spanish Civil Force, it appears to the Earl of Clarendon very desirable that the most searching investigation should be made at Gibraltar into all the circumstances of the case, which would seem to have been of a very peculiar character.

There appears to be a general impression that the brigands were on intimate terms with persons residing within the fortress, if not with the Messrs. Bonnell themselves, and that the case was not a mere act of brigandage, but was more or less connected with the system of contraband trade which so notoriously prevails at Gibraltar.

I am, therefore, to request that you will move Earl Granville to instruct the Lieutenant-Governor of Gibraltar to employ the utmost diligence in obtaining for Her Majesty's Government a complete account of all matters connected with the transaction, or bearing directly or indirectly upon it; and it is the more important that the inquiry should be fully and promptly carried out, inasmuch as there is good reason to believe that a representation will be speedily made by the Spanish Government against the state of things at Gibraltar, which imposes upon Spain constant expenditure, and which renders the maintenance of good relations between England and that country at all times precarious.

I am, &c.
(Signed) E. HAMMOND.

No. 55.

Mr. Layard to the Earl of Clarendon.—(Received June 10.)

My Lord,

Madrid, June 7, 1870.

I HAVE the honour to inclose, for your Lordship's information, a translation of telegrams received yesterday with regard to the Messrs. Bonnell. Up to the time

the departure of the mail no news has been received of the arrival of the younger Mr. Bonnell at Cadiz.

I have, &c.
(Signed) A. H. LAYARD.

P.S., 3 o'clock.—I have this instant received the telegram announcing the release of the other Mr. Bonnell.

A. H. L.

Inclosure 1 in No. 55.

Sir R. Airey to Mr. Layard.

(Telegraphic.)

San Roque, June 6, 1870, 3.30 P.M.

THE following telegram has just been communicated to me from Cadiz, 6th June, 1.34 A.M.:—

“To Gibraltar Post-office, Manuel Montegriffo. Affairs marching exceedingly well. John had interview with Chief. Expect we shall all get there to-morrow night. Inform His Excellency, and the family.—PEDRO.”

Inclosure 2 in No. 55.

Sir R. Airey to Mr. Layard.

(Telegraphic.)

San Roque, June 6, 1870, 6.30 P.M.

I HAVE just received the following telegram, dated Cadiz, 6th June, 2.25 P.M.:—

“Delivering cash to chief. Captive will arrive here by to-night's train.—RECANO.”

Governor of Cadiz to Minister of the Interior:—

“This morning, at 11 o'clock, the ransom of the Messrs. Bonnell was given to the captors. The young Bonnell is expected at Cadiz to-night.—RODRIGUEZ.”

Inclosure 3 in No. 55.

The Secretary to the Minister of the Interior.

(Translation.)

(Telegraphic.)

Cadiz, June 7, 1870.

MR. BONNELL, the captive who still remained in the power of the brigands, has just been restored at Puerto Santa Maria. Yesterday I was able to obtain news concerning the authors of the crime; and have good grounds for hoping to succeed in the capture of the Chief, whose name and abode are known.

No. 56.

Mr. Herbert to Mr. Hammond.—(Received June 10.)

Sir,

Downing Street, June 9, 1870.

WITH reference to previous correspondence regarding the capture by brigands, near Gibraltar, of Messrs. Bonnell, British subjects, I am directed by Earl Granville to request that you will move the Earl of Clarendon to inform his Lordship whether, as it would appear, that the Messrs. Bonnell have been set at liberty, Lord Clarendon desires to be furnished with copies of further papers from the Governor of Gibraltar, for the purpose of completing the correspondence.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Mr. Layard to the Earl of Clarendon.—(Received June 11.)

My Lord,

Madrid, June 8, 1870.

IT is with much satisfaction that I was able to inform your Lordship yesterday that the two Messrs. Bonnell had been released. I feel bound to bear my testimony to the unceasing exertions made by the Spanish Government to obtain this result, and their anxious desire to do all in their power at any sacrifice to assure the safety of the captives. They consulted me, as your Lordship will have observed, upon every step which they took, and were at all times ready to act upon any suggestion that I might make, or that might come from the Governor of Gibraltar, with whom the Governor of Cadiz was directed to place himself in direct and immediate communication by going to San Roque. I am desirous of especially calling to your Lordship's notice the services rendered in this affair by the Under-Secretary of State for Foreign Affairs, Senor Don Bonifacio de Blas, to whom its management here was particularly entrusted, and who was in constant communication with me.

His Highness the Regent has shown throughout an earnest desire for the safety of the captives, and again yesterday begged me to convey to Her Majesty's Government the satisfaction which he experienced at their release.

I beg to inclose, for your Lordship's information, in order to complete the history of this affair, copies of the telegrams which I received since my despatch of yesterday was written.

I have, &c.

(Signed) A. H. LAYARD.

P.S.—I also beg to inclose, for your Lordship's information, copy of a despatch from Sir Richard Airey.

Inclosure 1 in No. 57.

Consul Reade to Mr. Layard.

(Telegraphic.)

Cadiz, June 7, 1870.

RANSOM paid and remaining captive liberated. The two Bonnells proceed to Gibraltar in "Trinculo."

Inclosure 2 in No. 57.

Sir R. Airey to Mr. Layard.

(Telegraphic.)

San Roque, June 7, 1870, 5 P.M.

I HAVE this moment received the following satisfactory telegram from Mr. Recano, dated, Cadiz Puerto, June 7, 10.45 A.M.:—"Captive released."

Inclosure 3 in No. 57.

The Governor of Cadiz to the Minister of the Interior.

(Telegraphic.)

San Roque, June 7, 1870.

MR. BONNELL, jun., has just been liberated in the Port of Santa Maria.

Inclosure 4 in No. 57.

Sir R. Airey to Mr. Layard.

Sir,

Gibraltar, June 5, 1870.

I HAVE the honour to acquaint your Excellency that yesterday Mr. John Bonnell, the elder of the two gentlemen seized by the Spanish brigands on the evening of the 21st ultimo, arrived here in the French steamer "Ville de Brest," from Cadiz.

Mr. John Bonnell had been released by the brigands in order to come to Gibraltar and obtain the stipulated ransom of 27,000 dollars; the life of his nephew, who still remains in their hands, being the guarantee for his immediate return with that sum.

As the Messrs. Bonnell, although possessing considerable property in Gibraltar and elsewhere, could not at once produce so large a sum in Spanish gold, which was part of the agreement, while the immediate return of Mr. Bonnell was insisted upon, I caused that amount to be advanced to him from the Colonial chest.

After receiving the above sum in gold, Mr. John Bonnell, who is a very feeble debilitated man, naturally felt very nervous as to his proceeding in a public traffic steamer to Cadiz, there to be disembarked at nightfall with such a sum of money in his charge, and I therefore directed, with the concurrence of the Senior Naval Officer, that he and two or three friends should be conveyed to Cadiz in Her Majesty's ship "Trinculo," with directions that the money should be kept on board until arrangements could be made by Mr. John Bonnell for handing it over to those implicated, and for the liberation of his nephew.

The "Trinculo" left last evening, the passage being from ten to eight hours, and I am in early expectation of a telegram from Cadiz announcing the release of both the captives.

It appears that, immediately after sunset on the 21st ultimo, the captives were conveyed by this armed band, on led horses, through a most difficult and intricate country, to a wood in the mountains of the Sierra de Gazules, where they arrived early the following morning, and remained all day.

The next night they marched again, and arriving in the neighbourhood of a solitary house in the direction of Casavieja, their eyes were bandaged, and after being carried round and round for a considerable time were taken into a room looking into a small courtyard and stables; here they remained eight days whilst the brigands were arranging matters with other portions of the band, during which time they were well and civilly treated.

It was then decided that the captives should be separated, the younger Mr. Bonnell to be taken to some other place of concealment, and the uncle, with the Chief and another robber, to go to Cadiz, which was accomplished by railway.

They remained four days at Cadiz at a "posada," the chief robber frequently inviting and pressing Mr. Bonnell to come out and walk with him.

All things being settled, on the morning of the departure of the "Ville de Brest," Mr. John Bonnell was taken to the wharf to embark by himself, and when on the point of doing so, the other brigand came up to him, as if by chance, and said familiarly, "Ah! Mr. Bonnell, are you going to make an excursion to Gibraltar?"

I have forgotten to mention that during their eight days' séjour at the house before alluded to, the captives could hear considerable discussion as to their disposal by the brigands, some declaring that "these English were difficult people to deal with," and would get them punished afterwards, and it would be better to take from them whatever they had, and cut their throats.

I have, &c.
(Signed) RICHARD AIREY.

No. 58.

Mr. Layard to the Earl of Clarendon.—(Received June 11.)

My Lord,

Madrid, June 8, 1870.

I BEG to inclose, for your Lordship's information, translation of a telegram communicated to me by the Minister of the Interior, stating that three out of the four brigands concerned in the capture of the Messrs. Bonnell had been killed by the Spanish Guardia Civil on their return from Puerta Santa Maria, where they had been to receive the ransom for those gentlemen.

I also inclose a copy of a telegram from Her Majesty's Consul at Seville to the same effect, and stating that the ransom had been found on the brigands.

I have, &c.
(Signed) A. H. LAYARD.

Inclosure 1 in No. 58.

The Governor of Seville to the Minister of the Interior.

(Translation.)

(Telegraphic.)

Seville, June 8, 1870.

THE Governor of Cadiz having announced by telegram that the persons who captured the Englishmen were going to this city on horseback from Puerto Santa Maria, where they had divided amongst them the ransom of the Bonnells, I took the most prompt and efficacious measures to seize them if they really wished to enter into this place. Accordingly there were placed without, some of the Guardia Civil of Infantry and Cavalry, reinforced by twenty policemen, to watch during the night and until further orders the approaches and roads around the city. I watched impatiently all the night for the result of the precautions taken, and at 4 o'clock in the morning the Commander of the Guardia Civil, Villacampa, informed me verbally that the brigands, four in number, had been surprised beyond the Venta de Eritana. They defended themselves, firing upon the guards and the policemen, who were at that point. It ended by the death of three of the brigands, the fourth having escaped; but he is followed up with the greatest activity. We have had the misfortune to have had wounded in the thigh by a ball one of the Guardia Civil. I will give your Excellency further details when required.

Inclosure 2 No. 58.

Consul Williams to Mr. Layard.

(Telegraphic.)

Seville, June 8, 1870.

THREE brigands have been shot by the river side. One escaped. Ransom money in their girdles.

Inclosure 3 in No. 58.

Sir R. Airey to Mr. Layard.

(Telegraphic.)

Gibraltar, Wednesday, 10 A.M.

MESSRS. BONNELL arrived here last night in gun-boat "Trinculo" perfectly well.

No. 59.

Mr. Layard to the Earl of Clarendon.—(Received June 11.)

My Lord,

Madrid, June 8, 1870.

I HAD the honour to forward to your Lordship yesterday evening, the following telegram:—

"Minister of the Interior informs me, that two English officers were fired at near Gibraltar last night. The two men who attacked them were captured. The Spanish Government is determined to take the severest measures to clear the country of such malefactors, and hopes that Her Majesty's Government will co-operate and prevent their taking refuge in Gibraltar."

I must apologize to your Lordship for an error in this telegram. Instead of "being fired at," it should have been "attacked." The error arose from the Spanish words "*sin armas de fuego*" having been read "*con armas de fuego*."

I have, &c.

(Signed) A. H. LAYARD.

No. 60.

Mr. Layard to the Earl of Clarendon.—(Received June 11.)

My Lord,

Madrid, June 8, 1870.

I HAVE the honour to inclose, for your Lordship's information, translation of a letter, accompanied by a telegram, which I received yesterday from Señor Rivero, the Minister of the Interior.

The Governor of Cadiz, who had proceeded to San Roque in order to co-operate with Sir Richard Airey in the release of the Messrs. Bonnell, telegraphs that two men had attacked two English officers of the garrison of Gibraltar, on their return from the fair of Algeciras, with the intention of carrying them off, but without success, and that they had been subsequently captured by the Civil Guard.

Señor Rivero informs me that, in conjunction with the President of the Council of Ministers, he intends to take severe measures to clear the country in the vicinity of Gibraltar of the malefactors who abound there, and he expresses a hope that Her Majesty's Government will give orders to the authorities of Gibraltar to lend their aid in order that the measures may not prove abortive, the malefactors taking refuge in that fort, the place of refuge of those in Spain who escape from the action of the Tribunals.

His Excellency further says that if Her Majesty's Government will associate itself with the efforts of the Spanish Government, in a short time we shall have the satisfaction of feeling that a complete security, such as has never before existed, will be established in the country which separates Spain from Gibraltar.

I thought it best to see Señor Rivero at once, and to inform him that, although I had telegraphed the substance of his communication to your Lordship in order that no time might be lost, it would be more in conformity with practice if the Minister of Foreign Affairs were to address me officially upon the subject.

He informed me that Señor Sagasta, in order to avoid the delay of sending information about the Messrs. Bonnell through two Departments, had requested him to communicate with me directly, and that consequently he had done so.

A Council of Ministers, he said, would be held that evening to consider the measures to be taken to prevent such outrages as had occurred during the last few days, and the decision to which they might arrive would be communicated to me immediately by Señor Sagasta; that there was no time to be lost in giving instructions to the authorities at Gibraltar, as, encouraged by the success of those who had captured the Messrs. Bonnell and had obtained a large sum of money as ransom, all the malefactors in the country would be endeavouring to effect similar captures. He trusted, however, that he should be able to arrest the men who had carried off the Messrs. Bonnell, as he knew their names, and was on their track. All he feared was that they would succeed in reaching Gibraltar, where they would be safe under the protection of the British flag.

In the evening the Regent spoke to me on the same subject, and asked me whether it would be possible to come to some arrangement by which criminals taking refuge in Gibraltar might be surrendered, Spain agreeing on her part to deliver such as might escape from that place.

I replied that I would submit what His Highness had said to Her Majesty's Government. His Highness declared that the brigands who had carried off Messrs. Bonnell would be put to death if they were caught.

I have &c.
(Signed) A. H. LAYARD.

Inclosure 1 in No. 60.

Señor Rivero to Mr. Layard.

(Translation.)

Sir,

Ministry of the Interior.

TO the story of the capture of the Messrs. Bonnell, of which I am about to give you an account, we must add the fresh incident referred to in Governor of Cadiz telegram from San Roque, copy of which I have the honour to inclose.

As you will see, the Guardia Civil came immediately to the rescue, and with favourable results, of the English officers who were attacked by the ruffians.

But as it appears that these persons are going to devote themselves to fresh crimes in the neighbourhood of Gibraltar, I ought to say that, in conjunction with the President of the Council of Ministers, I am going to occupy myself unceasingly in clearing that country of the bad characters who abound there, in order that directions be sent from your Government that the authorities of Gibraltar should lend their aid to prevent the severe measures, about to be adopted by the Minister of the Interior, from remaining unavailing, by shelter being given to the criminals in the Place of Gibraltar, which is a city of refuge for all those in Spain who escape the Courts of Justice.

If the efforts of the British Government are joined to those of the Spanish Government, you may reckon on our having the satisfaction of knowing that there

now reigns a complete tranquillity, such as there never has done before in the country between Spain and Gibraltar.

I repeat, &c.
(Signed) NICOLAS MARIA RIVERO.

Inclosure 2 in No. 60.

The Governor of Cadiz to the Minister of the Interior.

(Translation.)
(Telegraphic.)

San Roque, June 7, 1870.

LAST night two English officers of the Gibraltar garrison, on returning from the fair of Algeciras, were surprised by two men without fire-arms, who endeavoured to capture them; they killed with a knife the horse of one of the officers, but the latter succeeded in making their escape, and communicating with the Guardia Civil, who immediately went in pursuit of the robbers, whom they captured, wounding one who attempted to escape seriously.

The result of the affair of the Bonnells has been to awaken the cupidity of all the bad characters in these parts.

I am going to adopt measures which will produce a good effect, but it is indispensable that the Government of Her Britannic Majesty and of His Highness the Regent should take together other steps, which I shall have the honour of pointing out to you.

No. 61.

The Secretary to the Admiralty to Mr. Hammond.—(Received June 11.)

Sir,

Admiralty, June 10, 1870.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Secretary of State for Foreign Affairs, copy of a letter from the Captain of Her Majesty's ship "Enterprise," relative to the probability of the release of the British subjects captured by Spanish brigands near Gibraltar.

I am, &c.
(Signed) THOS. WOLLEY.

Inclosure in No. 61.

Commander Morant to Captain Phillimore.

Sir,

"Enterprise," Gibraltar, June 2, 1870.

I BEG to report, that Mr. Mark, Her Britannic Majesty's Consul at Malaga, requested me to inform Sir Richard Airey, on my arrival here, that the Governor of Malaga had shown him a letter from the Alcade de Ronda, reporting that the Messrs. Bonnell were in good health, but still in the possession of the brigands, and that the place of their captivity is known; and in all probability they would be released in the course of a few days, and be forwarded to Gibraltar or Malaga.

I have, &c.
(Signed) GEO. DIGBY MORANT.

No. 62.

The Earl of Clarendon to Mr. Layard

Sir,

Foreign Office, June 11, 1870.

I INSTRUCTED you, by my despatch of the 9th instant, to convey to the Spanish Government the warm acknowledgments of that of Her Majesty, for the promptitude and earnestness of the measures taken by them to obtain the release of the British captives.

I have this morning received your despatch of the 8th of June, bearing further testimony to the good-will shown by the Regent, and the unceasing exertions of the

Government, and more particularly of Señor Don Bonifacio de Blas, to whom, as Under-Secretary of State for Foreign Affairs, the management of the business at Madrid, was particularly intrusted, to insure the safety of the British captives, and to effect their release; and, with reference to what you have now reported, I have again to instruct you cordially to acknowledge, on behalf of Her Majesty's Government, the kind attention shown by that of Spain throughout the whole affair.

I shall recommend Earl Granville to convey to Sir Richard Airey his entire approval of the zeal and activity displayed by him.

I am, &c.
(Signed) CLARENDON.

No. 63.

The Earl of Clarendon to Mr. Layard.

Sir, *Foreign Office, June 13, 1870.*
WITH reference to your despatch of the 8th instant, I transmit, herewith, for your information, copies of two letters which I have caused to be addressed to the Colonial Office,* suggesting that instructions should at once be given to the Governor of Gibraltar to furnish Her Majesty's Government with a complete account of all the circumstances connected with the late seizure by brigands of the Messrs. Bonnell, and to co-operate as far as possible with the Spanish Government in their efforts to suppress brigandage in the neighbourhood of that fortress.

I am, &c.
(Signed) CLARENDON.

No. 64.

Mr. Hammond to Mr. Herbert.

Sir, *Foreign Office, June 13, 1870.*
IN reply to your letter of the 9th instant, I am directed by the Earl of Clarendon to request you to inform Earl Granville that his Lordship considers it advisable that copies of any further correspondence between the Colonial Office and the Governor of Gibraltar relating to the capture of the Messrs. Bonnell by Spanish brigands should be supplied to this office.

I am, &c.
(Signed) E. HAMMOND.

No. 65.

Mr. Hammond to Mr. Herbert.

Sir, *Foreign Office, June 13, 1879.*
I AM directed by the Earl of Clarendon to transmit to you herewith, for the information of Earl Granville, a copy of a letter addressed by Sir R. Airey to Her Majesty's Minister at Madrid,† reporting the steps his Excellency had taken to assist the elder Mr. Bonnell to raise and convey to the brigands the sum demanded by them for the ransom of himself and his nephew; and I am to request that you will recommend for the entire approval of Lord Granville the zeal and activity displayed by the Governor of Gibraltar.

I am, &c.
(Signed) E. HAMMOND.

* Nos. 54 and 66.

† Inclosure 4 in No. 57.

No. 66.

Mr. Hammond to Sir F. Rogers.

Sir,

Foreign Office, June 13, 1870.

I AM directed by the Earl of Clarendon to transmit to you herewith, to be laid before Earl Granville, copies of a despatch and its inclosures from Her Majesty's Minister at Madrid* relative to the recent acts of brigandage in Spain and to the measures which the Spanish Government are of opinion should be adopted to put a stop to such outrages; and, with reference to my letter of the 9th instant, I am to request Earl Granville's earliest and most serious attention to the contents of this despatch, and to suggest that orders should be sent by telegraph to the Governor of Gibraltar to co-operate, as far as he legally can, with the praiseworthy efforts of the Spanish Government to put down brigandage in the neighbourhood of Gibraltar.

It would be a great scandal to England if any measures were neglected by which such desperate characters might be prevented from finding refuge in a British fortress, or if every endeavour was not made to detect and, if possible, punish any resident in the fortress who may be acting in concert and co-operation with brigands; and no surer steps could be taken for this purpose than by checking the contraband trade which is carried on from the fortress, and which it can scarcely be doubted brings the inhabitants of the place into association with such lawless characters as those who carried off Messrs. Bonnell, and who were engaged in the other outrage referred to in this despatch, and who, the Spanish Government justly fear, may be encouraged by impunity to commit still grosser crimes.

I am, &c.

(Signed) E. HAMMOND.

No. 67.

Consul Reade to the Earl of Clarendon.—(Received June 13.)

My Lord,

Cadiz, June 6, 1870.

I HAVE the honour to transmit herewith the inclosed copy of a despatch which I this day addressed to Her Majesty's Minister at Madrid, informing his Excellency of the arrival of Her Majesty's ship "Trinculo," with Mr. Bonnell, of Gibraltar, and of the subsequent payment of the ransom demanded by brigands for the release of Mr. Bonnell the younger, who is still detained by them in captivity.

I have, &c.

(Signed) THOS. F. READE.

Inclosure in No. 67.

Consul Reade to Mr. Layard.

Sir,

Cadiz, June 6, 1870.

HAVING returned yesterday from Gibraltar, I take the earliest opportunity of reporting to your Excellency the further information I have been able to gather from private as well as official sources, respecting the fate of the two inhabitants of that garrison, who were lately kidnapped by Spanish brigands, the course of procedure which it became my duty under the circumstances to pursue, and some observations that occur to me with reference to the measures adopted and negotiations pending for the liberation of the captives.

On my arrival at Gibraltar I found that the intelligence which I communicated to your Excellency in my letter of the 31st ultimo was confirmed, and that messages of a similar purport were being received daily from one or other of the three emissaries who had been dispatched in quest of the captives. As copies of these messages have been duly transmitted to your Excellency by the Governor of Gibraltar, I will say nothing more of them than that, while the more reassuring of them arrived from Malaga, one of the two captives, the elder Bonnell, made his appearance at Cadiz, agreeably with the supposition which I ventured in my last letter to your Excellency to express regarding the district in which both captives have been, and the younger one continues to be, confined.

The emissaries, therefore, had in reality very little to do with the negotiation ultimately concluded with the brigands, for it is evident the latter have acted quite independently of them.

From the Governor of Gibraltar, as well as from Don Frederico Villalba, the Governor of the province, I learnt the steps which had been taken in the affair, and which consisted in the withdrawal, for the time being, of all persecution of the brigands, and the employment of the emissaries above referred to. The brigands, it was felt, would sooner or later make overtures for the settlement of the affair, and it was consequently decided by the authorities to wait patiently until such overtures came. A day or two later, that is to say, on the 4th instant, as I had the honour to telegraph to your Excellency, the elder Mr. Bonnell arrived at Gibraltar in a French steamer from Cadiz, with a proposal from the brigands for the release of his nephew by the payment of a ransom of 27,000 dollars. The sum demanded was by the Governor's order supplied from the Colonial chest, and Her Majesty's gun-boat "Trinculo" having been placed at Mr. Bonnell's disposal, that gentleman proceeded in her to Cadiz the same evening. I followed in a merchant-steamer some hours later.

The utmost secrecy having been enjoined with regard to the "Trinculo's" mission here, no communication passed between her and this Office yesterday. At an early hour, however, this morning, some of Mr. Bonnell's agents called on me, and, after informing me that they had found it impracticable to pay the ransom, as had been intended, on board ship, requested that the money might be brought to the Consulate, and there delivered by them to the parties who had been appointed by the brigands to receive it. I, of course, consented to this arrangement, and it was accordingly carried out at about 1 o'clock P.M.

The brigands are now in possession of the whole of the ransom money, and, conformably with an engagement formally entered into, have already proceeded to some rendezvous in the neighbourhood of Jerez, where the remaining captive is to be produced and handed over to his friends this evening or to-morrow morning. That this engagement will be faithfully carried into effect I have every reason to believe from the want of cunning hitherto displayed by the brigands, whose early arrest or destruction by the local authorities appears to me to be a matter of easy accomplishment and consequent certainty.

Their movements and proceedings throughout the whole period of their venturous enterprise have been marked by the most stolid stupidity, as well as daring.

From information confidentially imparted to me, and in every respect reliable, it would appear that the Messrs. Bonnell and their brigand masters passed the first day of their flight in a wooded ravine of the cork-wood called the Soto Gordo, a well-known spot about eight miles from Gibraltar; that they then crossed the plain of Almoraima to an old ruin called La Hermita del Rosario, which is now used as a "ventorrillo," or small country tavern, and is distant about thirty miles from Gibraltar; and that, after remaining in concealment there eight days, they proceeded to Jerez, where they were located, up to the 1st of this month, in a large and comfortable house. At Jerez the two captives were separated, the older man being taken by the Chief of the band to Cadiz, boarded and lodged there in his (brigand's) company, and embarked by the latter on board the "Ville de Brest" steamer for Gibraltar. So regardless, indeed, do the brigands appear of their personal safety that I am positively assured the whole of the band implicated in the Bonnell affair promenaded the Cadiz streets for several hours this morning. Of this circumstance the Acting Provincial Governor (as he himself told me) is thoroughly cognizant; and I have no doubt that, as soon as the younger Bonnell obtains his liberty, some vigorous measures against the brigands will be resorted to.

The brigands, they tell me, are Cordova men, and have no connection whatever with Ronda, as had been pretty generally alleged. They have been long known as muleteers, or oil-carriers; and their chief, who goes by the appellation of Don Antonio, has all the appearance of a bull-fighter.

The amount first demanded by the brigands was, as your Excellency is doubtlessly aware, 5,000 dollars; and I fear it is owing to the unfortunate notoriety which the affair assumed from the commencement, increasing as it did with every phase of the proceedings adopted for a satisfactory solution, as well as to the great interest and solicitude so openly manifested in regard of the situation of the captives, that the sum which had ultimately to be paid was raised to more than five times its original import.

Another reason for the enormity of the sum asked, is probably to be found in a wish to be provided with ample means for bribing over to the brigands' interest the most dangerous of their pursuers.

Had the more prudent and equally feasible plan been adopted of meeting the

brigands, or their representatives, at some given point outside of any town, and effecting with them a simultaneous exchange of the price and object of the ransom, the certainty of the captives' release would have been more assuredly secured than under existing circumstances.

The parties, however, more directly interested in the present transaction appear very confident of a successful result, and I therefore hope to be able to telegraph to your Excellency this evening, or to-morrow morning, that the remaining captive has been set at liberty.

I have, &c.
(Signed) THOS. F. READE.

No. 68.

Consul Reade to the Earl of Clarendon.—(Received June 13.)

My Lord.

Cadiz, June 7, 1870.

I HAVE the honour to inclose a copy of a despatch which I this day addressed to Her Majesty's Minister at Madrid, announcing the liberation of the last of the captives, Mr. Bonnell junior.

I have, &c.
(Signed) THOS. F. READE.

Inclosure in No. 68.

Consul Reade to Mr. Layard.

Sir,

Cadiz, June 7, 1870.

REFERRING to my despatch of yesterday, I have the honour to report that I this day telegraphed to your Excellency the following message: "Ransom paid and remaining captive liberated. The two Bonnells proceed to Gibraltar in 'Trinculo.'"

Mr. Bonnell the younger arrived here at noon from Jerez, having been conveyed to that place at 2.30 A.M. this morning, from a point about ten miles distant from it in the direction of Arcos.

The brigands, on leaving him, declared they were bound to Estremadura.

Mr. Bonnell, whom I have myself seen, can add very little information, that is to say, information of an interesting character, to what is contained in my last despatch. Like his uncle, he speaks in favourable terms of the treatment he met with while in the company of the brigands.

I have thought it my duty to communicate immediately to the Acting Provincial Governor the fact that both captives have been released, and am informed by him that the movements of the brigands have, for some time past, been closely watched, and that one or more of them will probably be captured this day.

From intelligence which he received while I was with him, he appeared satisfied they have taken the direction of Seville.

It is a curious circumstance that in their negotiation for the release of Messrs. Bonnell, the brigands never stipulated for any "indulto," or amnesty.

I have, &c.
(Signed) THOS. F. READE.

No. 69.

Mr. Layard to the Earl of Clarendon.—(Received June 13.)

My Lord.

Madrid, June 9, 1870.

I BEG to inclose, for your Lordship's information, copy of a despatch from Mr. Reade, Her Majesty's Consul at Cadiz, which is of interest, as giving an account of the proceedings of the men who were concerned in the outrage committed upon the Messrs. Bonnell.

Mr. Reade informs me to-day that the fifth brigand, four alone having been intercepted on their way to Seville, is still in Cadiz, having fallen ill; that the Spanish authorities are aware of the fact, and have taken measures for his capture. I have not

yet heard of the result of the pursuit of the brigand who escaped from the attack of the Guardia Civil near Seville.

I have, &c.
(Signed) A. H. LAYARD.

Inclosure in No. 69.

Consul Reade to Mr. Layard, June 6, 1870.

[See Inclosure in No. 67.]

No. 70.

Consul Reade to the Earl of Clarendon.—(Received June 14.)

My Lord,

Cadiz, June 8, 1870.

I HAVE the honour to report that I this day forwarded to your Lordship a telegram to the following effect:—

“Three of the brigands who kidnapped the Bonnells were shot near Seville last night. The other two are tracked or surrounded.”

From information which the Acting Governor of this province has communicated to me, it would appear that an encounter between four of the five brigands above referred to and three men of the Guardia Civil took place in the environs of Seville at about daybreak this morning;* that the chief of the band, Francisco Antonio Martinez by name, and two of his companions were shot dead, and that the fourth brigand, who escaped after severely wounding one of the Guardia Civil, was, according to the last accounts, being closely pursued by the authorities.

The remaining or fifth brigand, I am further assured, is confined to a sick bed at Utrera, and unable to elude the vigilance of the police.

I have, &c.
(Signed) THOS. F. READE.

No. 71.

Mr. Layard to the Earl of Clarendon.—(Received June 15.)

My Lord,

Madrid, June 11, 1870.

I AM authorized to inform your Lordship that the Council of Ministers had decided, before the death of three of the men who committed the outrage upon the Messrs. Bonnell, and the recovery of part of the ransom money, that the Spanish Government should pay the sum exacted for the release of those gentlemen.

I have, &c.
(Signed) A. H. LAYARD.

No. 72.

The Secretary to the Admiralty to Mr. Hammond.—(Received June 15.)

Sir,

Admiralty, June 13, 1870.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Secretary of State for Foreign Affairs, the inclosed copies of a despatch from the Senior Naval Officer at Gibraltar reporting that he had sent the “Trinculo” gun-boat to Cadiz with Mr. Bonnell, who, with his nephew, had been kidnapped near Gibraltar on the 21st ultimo, and of the orders given to the officer commanding that vessel on the occasion.

I am, &c.
(Signed) THOS. WOLLEY.

* Not last night, as erroneously stated in the telegram.—T. F. R.]

June 14.

P.S.—A copy of a further letter from Captain Phillimore, dated 8th instant, with copy of its inclosures, reporting the return to Gibraltar from Cadiz of Her Majesty's ship "Trinculo," is also transmitted herewith.

T. W.

Inclosure 1 in No. 72.

Captain Phillimore to the Secretary to the Admiralty.

Sir,

"Redpole," Gibraltar, June 5, 1870.

I HAVE the honour to transmit herewith, for the information of the Lords Commissioners of the Admiralty, the duplicate of a despatch which I have addressed to the Commander-in-chief of the Mediterranean, on the subject of having despatched Her Majesty's gun-boat "Trinculo" to Cadiz with Mr. Bonnell, who, with his nephew, was kidnapped close to the Spanish lines near Gibraltar on the 21st ultimo.

2. Mr. Bonnell arrived here from Cadiz on the 4th instant, under an assumed name, having been sent on his parole by the brigands, for the enormous sum of 27,000 dollars, and his nephew is detained near Cadiz till Mr. Bonnell's return with the money.

3. Mr. Bonnell was apprehensive, if he was to proceed in the ordinary packet with this sum, of being plundered on his way, and that the life of his nephew would be forfeited; and I at once acceded to the request of Sir Richard Airey for his being conveyed with his four friends in the "Trinculo."

I have, &c.

(Signed) AUGUSTUS PHILLIMORE.

Inclosure 2 in No. 72.

Orders addressed to Lieutenant and Commander Crofton.

(Confidential.)

By Augustus Phillimore, Esq., Captain in Her Majesty's Navy, and Senior Naval Officer present, &c.

YOU will receive on board Her Majesty's gun-boat "Trinculo," under your command, Mr. Bonnell, of this place, who was recently seized by brigands, and who is desirous of returning to Cadiz with a sum of money which he has promised the outlaws to pay for the ransom of himself and his nephew.

You will take Mr. Bonnell and the people who accompany him to Cadiz this evening, leaving soon after dark, and, unless anything unforeseen should occur, return with him and his nephew to this place as soon as he has arranged his business.

As many circumstances, trifling in themselves, may arouse suspicion in the miscreants who have been guilty of this outrage, and place the life of the younger Bonnell, now in their power, in jeopardy, the matter should be kept as quiet as possible, and no communication should take place with Cadiz by the officers or men on board Her Majesty's gun-boat "Trinculo" beyond what is absolutely necessary.

Dated on board the "Trinculo," at Gibraltar, this 4th day of June, 1870.

(Signed)

AUGUSTUS PHILLIMORE.

Lieutenant and Commander the Hon. Francis Crofton, R.N.,
Her Majesty's gun-boat "Trinculo."

P.S.—Steam to be used for the speedy and due performance of this service.

A. P.

Inclosure 3 in No. 72.

Captain Phillimore to the Captains and Officers of Her Majesty's Ships and Vessels on this part of the Mediterranean Station.

Sir,

"Trinculo," Gibraltar, June 3, 1870.

THE seizure of two merchants belonging to Gibraltar by armed bandits while within a few hundred yards of Spanish sentinels, and the ineffectual results of the diligent search which has been made by all the Spanish authorities for thirteen days, and the attempts at recovering those gentlemen, show that the present state of Spain is so very unsettled

and unsafe that the greatest possible caution should be exercised before granting leave to officers or men to visit any part of the Spanish territories, more especially by night.

I have, &c.

(Signed) AUGUSTUS PHILLIMORE.

Inclosure 4 in No. 72.

Captain Phillimore to the Secretary to the Admiralty.

Sir,

"Trinculo," Gibraltar, June 8, 1870.

WITH reference to my letter of the 5th instant, I have the honour to report that Her Majesty's gun-boat "Trinculo" returned here this morning at 4 A.M., and I inclose Lieutenant Crofton's report of proceedings.

I have, &c.

(Signed) AUGUSTUS PHILLIMORE.

Inclosure 5 in No. 72.

Lieutenant and Commander Crofton to Captain Phillimore.

Sir,

"Trinculo," Gibraltar, June 8, 1870.

IN pursuance of your orders dated the 4th instant, to convey Mr. Bonnell, his four friends, and the ransom of 27,000 dollars, to Cadiz, I have the honour to report that those gentlemen, together with the ransom money, embarked on board the gun-boat I command at 9.45 P.M. that evening, and on steam being ready, at 10 P.M. I proceeded, arriving at Cadiz at 9.30 the following morning.

Three of the gentlemen immediately disembarked in the gig; Mr. Bonnell and friend remaining on board till noon, when he landed in a shore boat.

At 10 o'clock next morning (6th June) two of Mr. Bonnell's friends came on board, and informed me that that gentleman was at the Hotel "Tres Reyes" with the brigand Chief, and that he was very anxious that the ransom money should be sent on shore to him secretly, and as soon as possible, as the Chief was very impatient. I at once caused the ransom to be placed in canvass waist-belts, and proceeded with it to the office of Her Britannic Majesty's Consul, where I was directed to take it to the Hotel de Paris. I there delivered the money to Mr. Bonnell's friends, who conveyed it to the Hotel "Tres Reyes," at which Mr. Bonnell and the brigand Chief were staying.

Mr. Bonnell arrived at the Hotel de Paris at 3.30 P.M., after paying the money, and stated that the robbers were very nervous, and fearful of being watched, had placed the belts round their waists without counting the money, and just left Cadiz by the 2.30 train, having promised to release his nephew that night or next morning.

Next day at 1 P.M. I received a letter from Mr. Bonnell, informing me of his nephew's arrival in Cadiz, and requesting me to send a boat to embark himself and party at 3 o'clock, at which hour they arrived on board.

I then weighed and proceeded for this port, arriving at 4.30 A.M. this morning.

I have, &c.

(Signed) FRANCIS CROFTON.

No. 73.

Mr. Herbert to Mr. Hammond.—(Received June 15.)

Sir,

Downing Street, June 15, 1870.

I AM directed by Earl Granville to transmit to you, for the information of the Earl of Clarendon, with reference to former correspondence on the subject of Spanish brigandage, a copy of a telegram which his Lordship sent on the 13th instant to the Governor of Gibraltar, and of the answer which he has received.

I am also to transmit a copy of another telegram received to-day from Sir R. Airey, relating to the killing of Lieutenant Fraser's horse.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 73.

Earl Granville to Sir R. Airey.

(Telegraphic.)

Downing Street, June 13, 1870, 12.40 P.M.

CO-OPERATE as far as you legally can with the Spanish Government to put down brigandage. Take care that, if possible, accomplices within the fortress are brought to justice.

Inclosure 2 in No. 73.

Sir R. Airey to Earl Granville.

(Telegraphic.)

Gibraltar, June 14, 1870, 6.10 P.M.

YOUR telegram dated 13th received, and will be acted on.

Inclosure 3 in No. 73.

Sir R. Airey to Earl Granville.

(Telegraphic.)

Gibraltar, June 14, 1870, 6.21 P.M.

KILLING of Lieutenant Fraser's horse, June 6th, not connected in any way with brigandage. Malefactors in hands of Spanish authorities.

No. 74.

Consul Reade to the Earl of Clarendon.—(Received June 16.)

My Lord,

Cadiz, June 11, 1870.

WITH reference to my despatch of the 8th instant, reporting the summary and terrible retribution that had overtaken the brigands implicated in the Bonnell affair, I have the honour to transmit to your Lordship the following extract of a despatch I have this day addressed to the Governor of Gibraltar:—

“I have very little to add to the scanty particulars which have already appeared in the Spanish newspapers on the subject, and acquired such general publicity.

“It may not, however, perhaps, be equally well known that the horse of the fourth brigand, who escaped from the encounter with the Guardia Civil, was subsequently captured without its rider, and that the latter is supposed to have entered Seville from another quarter, unobserved. Of this I have been made acquainted by the Acting Provincial Governor, who also tells me, with regard to the other brigand implicated, or rather known to be implicated, in the Bonnell affair, that he was traced to a house in Utrera, where he was laid up with an illness which prevented his proceeding further, and that, notwithstanding the measures that had been taken to prevent his getting off, had contrived, somehow or other, to elude the vigilance of the police and disappear.

“On the news reaching Cadiz, two days ago, that three of the brigands had been shot I requested, with a view to the more satisfactory identification of the dead bodies, that photographs of the latter might be taken, the expense of which I said I would gladly bear. The Acting Provincial Governor, to whom I addressed myself, was good enough to communicate my wish to the Governor of Seville by telegraph; and the application having been courteously acceded to by his Excellency, I am this day placed in possession of the first proof taken of the likenesses I had solicited. These I have the honour to forward to your Excellency, in case you may think proper to ascertain whether the Messrs. Bonnell can recognize the individuals represented.

“Only 3,500 dollars, or about that sum, of the ransom money appears as yet to have been recovered, and I fear it is not very likely that the remainder, or at any rate any considerable portion of the remainder, will be found.

“Should it unfortunately become necessary, on some future occasion, to make any similar remittance (a contingency which I am happy to regard as a most improbable one) I would humbly suggest that the money may be paid in doubloons marked in a way that might lead possibly to the subsequent detection of the parties into whose hands they may have wrongfully passed.

I have, &c.

(Signed) THOS. F. READE.

No. 75.

Sir F. Rogers to Mr. Hammond.—(Received June 17.)

Sir,

Downing Street, June 17, 1870.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 13th instant, and to acquaint you, for the information of the Earl of Clarendon, that on that day a telegram was sent to the Governor of Gibraltar, instructing him to co-operate, as far as he legally can, with the Spanish Government to put down brigandage, and to take care that, if possible, accomplices within the fortress are brought to justice.

Lord Granville desires me further to transmit to you, for Lord Clarendon's information, a copy of a despatch which he has addressed to the Governor by to-day's mail, and to suggest that the Spanish Government should be requested to furnish facts, or at least specific allegations, in support of the statement of Señor Rivero, that Gibraltar is a place of refuge for malefactors escaping from the action of the Spanish Tribunals.

Lord Granville entirely concurs with the Regent, that an Extradition Ordinance should be passed in Gibraltar, of the kind passed in other Colonies, to take effect so soon as corresponding provisions shall have been made by the Spanish Government respecting criminals escaping from Gibraltar into Spain; and with Lord Clarendon's concurrence his Lordship will have a draft Ordinance prepared and sent out to Sir R. Airey, to enact by Proclamation.

I am, &c.
(Signed) **FREDERIC ROGERS.**

Inclosure in No. 75.

Earl Granville to Sir R. Airey.

Sir,

Downing Street, June 17, 1870.

WITH reference to my telegram of the 13th instant, I have the honour to transmit to you, for your consideration, a copy of a letter from the Foreign Office, covering copies of a despatch and its inclosures, from Her Majesty's Minister at Madrid, regarding the recent acts of brigandage in Spain, and the measures which, in the opinion of the Spanish Government, should be taken, to obviate the recurrence of such outrages.

I have to call your special attention to the allegation made by Señor Rivero, that Gibraltar is a place of refuge for malefactors escaping from the action of the Spanish Tribunals; and I have to request that you will report to what extent this is the case.

I have, &c.
(Signed) **GRANVILLE.**

No. 76.

Mr. Herbert to Mr. Hammond.—(Received June 18.)

Sir,

Downing Street, June 17, 1870

REFERRING to your letter of the 13th instant, I am directed by Earl Granville to transmit to you, for the information of the Earl of Clarendon, a copy of a despatch from the Governor of Gibraltar respecting the recent capture of the Messrs. Bonnell by Spanish brigands, and to acquaint you that copies of any further correspondence between Lord Granville and Sir R. Airey on this subject will be transmitted for the information of the Foreign Office.

I am, &c.
(Signed) **ROBERT G. W. HERBERT.**

Inclosure 1 in No. 76.

Sir R. Airey to Earl Granville.

Sir,

Gibraltar, May 28, 1870

I HAVE the honour to acknowledge the receipt of your Lordship's telegram dated 24th May, as follows:—

“Tuesday, 4.20 P.M.

“Keep Mr. Layard fully informed by telegraph with any information you may obtain respecting the captives, and act in complete concert with him.”

And in continuation of my previous despatches to report that I forwarded to your Lordship on the 27th instant the following telegram:—

“Friday, 4 P.M.

“Up to this date no intelligence or trace of Messrs. Bonnell.”

I also beg to transmit for your Lordship's information a complete copy of the correspondence which has passed between myself and Mr. Layard, Her Majesty's Minister at Madrid, upon this unfortunate affair, up to this date.

Up to the present time no information has been received here of the movements or whereabouts of the brigands and the Messrs. Bonnell, and no message has been received from the three emissaries who have gone in search of them.

I have, &c.

(Signed) RICHARD AIREY.

Inclosure 2 in No. 76.

Sir R. Airey to Mr. Layard.

Sir,

Gibraltar, May 22, 1870.

WITH reference to my telegram of this day's date to the following effect, “Messrs. John Bonnell and John Antonio Bonnell, highly respectable British subjects, were captured and carried off last evening by Spanish brigands at about four miles from Gibraltar, in Spanish territory,” I am in communication with the Spanish authorities at San Roque and Algeciras.

I have the honour to transmit herewith, for your Excellency's information, a copy of a communication which has been submitted to me by Mr. Varese, reporting the circumstances, so far as they are known at present, of the capture of these gentlemen and of the steps already taken by the authorities at the Spanish lines for the pursuit of the persons implicated in this extraordinary outrage.

I lost no time in placing myself in communication with the Governor of Algeciras, the authorities at San Roque, and the Commandant at the Spanish lines; and I shall not fail to acquaint your Excellency with any report I may receive from the Spanish authorities.

Meanwhile I beg to solicit your Excellency's prompt assistance and influence with the Spanish Government for the speedy release of the two captives, who, I have reason to believe, are prepared to pay any reasonable ransom that may be demanded by their captors.

I have, &c.

(Signed) RICHARD AIREY.

Inclosure 3 in No. 76.

Deposition of Joseph Varese.

[See Inclosure 5 in No. 22.]

Inclosure 4 in No. 76.

Sir R. Airey to the Governor of Algeciras, May 22, 1870.

[See Inclosure 4 in No. 31.]

Inclosure 5 in No. 76.

Sir R. Airey to Mr. Layard, May 23, 1870.

[See Inclosure 1 in No. 25.]

Inclosure 6 in No. 76.

Señor Gatrid to Sir R. Airey, May 22, 1870.

[See Inclosure 2 in No. 25.]

Inclosure 7 in No. 76.

Señor Gatrid to Sir R. Airey, May 23, 1870.

[See Inclosure 3 in No. 25.]

Inclosure 8 in No. 76.

Vice-Consul Francia to Sir R. Airey, May 22, 1870.

[See Inclosure 4 in No. 25.]

Inclosure 9 in No. 76.

Vice-Consul Francia to Sir R. Airey, May 23, 1870.

[See Inclosure 5 in No. 25.]

Inclosure 10 in No. 76.

Mr. Layard to Sir R. Airey.

Sir,

Madrid, May 23, 1870.

I RECEIVED at a quarter past 10 o'clock last night your Excellency's telegram sent from San Roque at 4.35 P.M., informing me that Messrs. John Bonnell and John Antonio Bonnell, highly respectable British subjects, had been captured and carried off on the previous evening by Spanish brigands about four miles from Gibraltar, in Spanish territory, and that you were in communication with the Spanish authorities at San Roque and Algeciras.

I lost no time in informing the Minister for Foreign Affairs of the contents of your telegram, and late at night his Excellency called upon me to tell me that he had been with the Minister of the Interior and in communication with General Prim, and that telegrams had been at once sent off to the Captain-General of the Province, to the Governor of Cadiz, and to all the local military and civil authorities, directing them to take without any delay any available measures for the release of the captives, and to place themselves, if necessary, in communication with your Excellency for that purpose. His Excellency further assured me that no exertions or expense should be spared on the part of the Spanish Government to effect this object, and your Excellency may rely, I have every reason to think, upon the assurances which Señor Sagasta has given me on their behalf.

I should feel obliged by your Excellency furnishing me with any additional details which may enable me to afford information to the Spanish Government, and which may may be calculated to assist them in the steps they are taking for the liberation of Messrs. Bonnell.

I have, &c.

(Signed)

A. H. LAYARD.

Inclosure 11 in No. 76.

Mr. Layard to Sir R. Airey, May 24, 1870.

[See Inclosure 2 in No. 20.]

Inclosure 12 in No. 76.

Sir R. Airey to Mr. Layard, May 25, 1870.

[See Inclosure 1 in No. 28.]

Inclosure 13 in No. 76.

Señor Servert to Sir R. Airey, May 23, 1870.

[See Inclosure 2 in No. 28.]

Inclosure 14 in No. 76.

Sir R. Airey to Mr. Layard, May 26, 1870.

[See Inclosure 1 in No. 33.]

Inclosure 15 in No. 76.

Sir R. Airey to Mr. Layard, May 27, 1870.

[See Inclosure 3 in No. 33.]

Inclosure 16 in No. 76.

Telegrams between Sir R. Airey and Mr. Layard.

(No. 1.)

Sir R. Airey to Mr. Layard, May 22, 1870.

[See No. 1.]

(No. 2.)

Mr. Layard to Sir R. Airey.

Madrid, May 23, 1870.

YOUR telegram received late last night. I have seen Minister of State. Orders have been sent to all authorities, military and civil, to do everything possible for liberation of captives, and to put themselves in communication with you, if necessary. Send me any details which may be of use here for information of Government.

(No. 3.)

Mr. Layard to Sir R. Airey, May 23, 1870.

[See No. 7.]

(No. 4.)

Sir R. Airey to Mr. Layard, May 24, 1870.

[See Inclosure in No. 13.]

(No. 5.)

*Mr. Layard to Sir R. Airey.**Madrid, May 24, 1870.*

AM without any further information about the Messrs. Bonnell. Has a ransom been asked? Has any agent from the brigands appeared to treat? The Spanish Government are disposed to do everything in their power, but without knowing more I do not know what to suggest.

(No. 6.)

Sir R. Airey to Mr. Layard, May 24, 1870.

[See Inclosure 3 in No. 22.]

(No. 7.)

Mr. Layard to Sir R. Airey, May 24, 1870.

[See No. 11.]

(No. 8.)

*Mr. Layard to Sir R. Airey.**Madrid, May 24, 1870.*

TELEGRAM has been sent by Spanish Government to Spanish Consul at Gibraltar, telling him to come to an understanding with you, and give safe-conduct to Gabaron if necessary.

The Governor of Cadiz has also been telegraphed to in a like sense

(No. 9.)

Sir R. Airey to Mr. Layard, May 25, 1870.

[See No. 15.]

(No. 10.)

*Sir R. Airey to Mr. Layard.**Gibraltar, May 27, 1870.*

UP to this date no intelligence or trace of Messrs. Bonnell.

No. 77.

Mr. Herbert to Mr. Otway.—(Received June 20.)

Sir,

Downing Street, June 18, 1870.

I AM directed by Earl Granville to transmit to you, for the information of the Earl of Clarendon, and with reference to previous correspondence on the subject, a copy of a despatch from the Governor of Gibraltar, inclosing a copy of one addressed by him to Her Majesty's Minister at Madrid, in regard to the measures adopted for the conveyance of the ransom demanded by the Spanish brigands from the Messrs. Bonnell.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

P.S.—Copies of two further despatches, with inclosures, from Sir R. Airey on this subject are annexed.

R. G. W. H.

Inclosure 1 in No. 77.

Sir R. Airey to Earl Granville.

My Lord,

Gibraltar, June 5, 1870.

I HAVE the honour to transmit herewith, for your Lordship's information, a copy of a despatch which I have addressed this day to Mr. Layard, Her Majesty's Minister at Madrid, regarding the seizure by Spanish brigands of the Messrs. Bonnell.

I have, &c.

(Signed) RICHARD AIREY.

Inclosure 2 in No. 77.

Sir R. Airey to Mr. Layard, June 5, 1870.

[See Inclosure 4 in No. 57.]

Inclosure 3 in No. 77.

Sir R. Airey to Earl Granville.

My Lord,

Gibraltar, June 6, 1870.

WITH reference to my despatch of the 5th instant, regarding the recent capture by Spanish brigands of the Messrs. Bonnell, British subjects, in the neighbourhood of Gibraltar, I have the honour to transmit herewith, for your Lordship's information, a copy of the further correspondence on the subject which has taken place between myself and Mr. Layard, Her Majesty's Minister at Madrid, together with a complete series of the telegrams sent and received by me up to this date inclusive.

I have, &c.

(Signed) RICHARD AIREY.

Inclosure 4 in No. 77.

Mr. Layard to Sir R. Airey.

Sir,

Madrid, May 31, 1870.

I RECEIVED this morning your Excellency's telegram, "Let all remain quite quiet for the present; no pursuit—no molestation." I communicated its contents at once to the Minister for Foreign Affairs, and to Señor de Blas, the Under-Secretary, who is specially charged with this affair. They both assured me that the orders given to the local authorities were strictly in accordance with your wishes.

I have no doubt that your Excellency is in communication with the Governor of Cadiz, who appears to be at San Roque, and that you are made acquainted with the measures he may be taking.

I received last night from the Ministry of Foreign Affairs copies of three telegrams, which I inclose for your Excellency's information. Señor de Blas further stated to me that it was the opinion here that further offers of ransom should not be made from Gibraltar, as the prospect of getting more money might lead the brigands to raise their demands, and render the release of the captives more difficult. I accordingly sent the following telegram to your Excellency this morning:—

"It is thought here that it would be better not to make from Gibraltar any further offers of money to the brigands, which might excite their cupidity, and render it more difficult to deal with them."

I have, &c.

(Signed) A. H. LAYARD.

Inclosure 5 in No. 77.

Telegrams received by the Minister of the Interior from the Governor of Malaga.

[See Inclosure in No. 34]

Inclosure 6 in No. 77.

Sir. R. Airey to Mr. Layard, June 3, 1870.

[See Inclosure 1 in No. 51.]

Inclosure 7 in No. 77.

Señor Ramos to Señor Montegriffo, May 31, 1870.

[See Inclosure 2 in No. 51.]

Inclosure 8 in No. 77.

Sir R. Airey to Mr. Layard, June 5, 1870.

[See Inclosure 4 in No. 57.]

Inclosure 9 in No. 77.

Telegrams between Sir R. Airey and Mr. Layard.

(No. 11.)

Sir R. Airey to Mr. Layard.

Gibraltar, May 29, 1870, 11 P.M.

NOTHING heard of captives or brigands.

(No. 12.)

Mr. Layard to Sir R. Airey.

Madrid, May 30, 1870, 9.20 A.M.

Can you suggest any other steps for liberation or discovery of captives?
Spanish Government are willing to do anything.

(No. 13.)

Sir R. Airey to Mr. Layard.

Gibraltar, May 30, 1870, 4.30 P.M.

Let all remain quite quiet for the present.
No pursuit or molestation.

(No. 14.)

Sir R. Airey to Mr. Layard.

Gibraltar, May 31, 1870, 1.30 P.M.

An emissary from Malaga writes:—"Buenas noticias. Mucho silencio."
So all remains quiet for the present.

(No. 15.)

Mr. Layard to Sir R. Airey.

Madrid, May 31, 1870, 9.45 A.M.

It is thought here that it would be better not to make from Gibraltar any further offers of money to the brigands, which might excite their cupidity and render it more difficult to deal with them.

(No. 16.)

*Sir R. Airey to Mr. Layard.**Gibraltar, June 1, 1870.*

I have a telegram from Malaga, stating "Mejor noticias. Silencio."
No offer of money to the brigands has been made from here.

(No. 17.)

*Sir R. Airey to Mr. Layard.**Gibraltar, June 2, 1870.*

Accounts from emissary near Malaga still hopeful and promising.
Captives well, and well cared for.
Question only of time and money.

(No. 18.)

*Sir R. Airey to Mr. Layard.**Gibraltar, June 3, 1870, 3.30 P.M.*

Received a telegram from Malaga merely reiterating.

(No. 19.)

*Sir R. Airey to Mr. Layard.**Gibraltar, June 4, 1870, 1.30 P.M.*

Mr. Bonnell, the uncle, arrived at Gibraltar this morning to arrange ransom. Came by steamer from Cadiz. Inaction and secrecy necessary.

(No. 20.)

*Sir R. Airey to Mr. Layard.**Gibraltar, June 6, 1870.*

The following telegram has just been communicated to me from Cadiz. 6th June, 8.34 A.M.:—

"To Gibraltar Post Office, Manuel Montegriffo.

"Affair marching exceedingly well. John had interview with Chief. Expect we shall get there to-morrow night. Inform his Excellency and the family.—PEDRO."

Inclosure 10 in No. 77.

Sir R. Airey to Earl Granville.

My Lord,

Gibraltar, June 10, 1870.

IN continuation of my despatch of the 6th instant, inclosing further correspondence regarding the recent capture by Spanish brigands of the Messrs. Bonnell, British subjects, in the neighbourhood of Gibraltar, I have the honour to transmit herewith, for your Lordship's information, copies of the telegrams which have passed between myself and Mr. Layard, Her Majesty's Minister at Madrid, up to this date.

I have, &c.

(Signed)

RICHARD AIREY.

Inclosure 11 in No. 77.

Telegrams between Sir R. Airey and Mr. Layard.

(No. 21.)

Sir R. Airey to Mr. Layard.

Gibraltar, June 6, 1870, 5.30 P.M.

I HAVE just received the following telegram, dated Cadiz, June 6th, 2.25 P.M. :—
“Delivering cash to Chief. Captive will arrive here by to-night's train.—RECANO.”

(No. 22.)

Sir R. Airey to Mr. Layard.

Gibraltar, June 7, 1870, 5 P.M.

I have the satisfaction to communicate to you the following telegram I have received this moment from Cadiz, dated June 7th, 10.45 A.M. :—
“Captive released.—RECANO.”

(No. 23.)

Sir R. Airey to Mr. Layard.

Gibraltar, June 8, 1870, 10 A.M.

The Messrs. Bonnell arrived here last night in the gun-boat “Trinculo” perfectly well.

(No. 24.)

Mr. Layard to Sir R. Airey.

Madrid, June 8, 1870.

Spanish Government informs me that three of the brigands who captured Messrs. Bonnell have been shot, one escaped. Ransom money, or part of it, found in their girdles.

No. 78.

Mr. Hammond to Sir F. Rogers.

Sir,

Foreign Office, June 21, 1870.

I HAVE laid before the Earl of Clarendon your letter of the 17th instant, and I am to request that you will acquaint Earl Granville that, as suggested by his Lordship, Mr. Layard will be requested to ask the Spanish Government to furnish facts, or at least specify allegations, in support of the statement of Señor Rivero that Gibraltar is a place of refuge for malefactors escaping from the action of the Spanish Tribunals.

I am further to request that you will state to Earl Granville that Lord Clarendon entirely concurs in the propriety of an Extradition Ordinance being published at Gibraltar; and he will request Mr. Layard, as soon as he hears from the Governor that it has been published, to suggest to the Spanish Government to make corresponding provisions respecting criminals escaping from Gibraltar into Spain.

I am, &c.

(Signed) E. HAMMOND.

No. 79.

Mr. Herbert to Mr. Hammond.—(Received June 22.)

Sir,

Downing Street, June 22, 1870.

WITH reference to your letter of the 9th instant suggesting that a searching investigation should be made at Gibraltar into all the circumstances of the recent case of brigandage near that fortress, I am directed by Earl Granville to transmit to you, for the information of the Earl of Clarendon, a copy of a despatch which was addressed by his Lordship to the Governor on the subject, and a copy of the telegram which has been received from Sir R. Airey in reply.

I am to add that Lord Granville has approved by telegram the enactment of an Ordinance for creating a Commission of Inquiry into the case.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 79.

Earl Granville to Sir R. Airey.

Sir,

Downing Street, June 10, 1870.

WITH reference to former correspondence on the subject of the recent capture of the Messrs. Bonnell of Gibraltar by Spanish brigands, I have to transmit to you a copy of a letter from the Foreign Office, and to request that, in accordance with Lord Clarendon's wish, you will make the most searching investigation into all the circumstances of the case without any avoidable delay, and report to me the result.

I have, &c.

(Signed) GRANVILLE.

Inclosure 2 in No. 79.

Sir R. Airey to Earl Granville.

(Telegraphic.)

RECEIVED despatch of 10th June. In order to carry out your instructions for the most searching investigation into the Bonnell case, am advised to issue a Commission of Inquiry under powers to be created by Ordinance, enabling Commissioners to summon and examine witnesses on oath, to come into force immediately. Please to signify approval or otherwise.

No. 80.

Mr. Herbert Mr. Hammond.—(Received June 23.)

Sir,

Downing Street, June 22, 1870.

I AM directed by Earl Granville to transmit to you, for the Earl of Clarendon's information, with reference to previous correspondence, a copy of a despatch from the Governor of Gibraltar on the subject of the recent assault on two officers of the garrison returning from Algeciras, and of the steps proposed to be taken for the purpose of checking brigandage in the neighbourhood.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 80.

*Sir R. Airey to Earl Granville.**Gibraltar, June 15, 1870.*

My Lord,

WITH reference to the telegram I had the honour to forward to your Lordship yesterday, to the following effect,—“Killing Lieutenant Fraser’s horse, June 6th, not connected in any way with brigandage. Malefactors in hands of Spanish authorities,”—I beg to transmit herewith, for your Lordship’s information, a copy of the Reports which I received from Lieutenants Fraser and Inglis, 71st Highland Light Infantry, on the day following the assault made upon them by two Spaniards on their return from the fair of Algeciras.

The Captain of the guard at the Spanish Lines, upon being informed of the occurrence, immediately dispatched a party of the Guardia Civil in pursuit of the assailants, who were overtaken and arrested at the village of Campamento. One of them attempted to make his escape, and not heeding the command of the Guardia Civil to stop was fired upon and severely wounded. The prisoners were in due course conveyed to San Roque, and there examined before the Alcalde, whose Report has, I believe, been transmitted to Madrid.

From the information I have received, it does not appear that this unjustifiable attack was in any way connected with the brigandage, but it was rather the act of persons in a state of intoxication and acting under the impulse of the moment on being obliged to give way to the two officers on horseback who were coming from an opposite direction.

With reference to this assault and the Bonnell affair, Her Majesty’s Minister at Madrid has communicated to me the determination of the Spanish Government to take the severest measures to clear the country of brigands, and its desire that the authorities at Gibraltar should co-operate with the Spanish authorities, and to prevent this fortress becoming a refuge for persons who have escaped from Spanish territory.

I lost no time in conveying to Mr. Layard the assurance of my earnest desire and readiness to co-operate to the fullest extent in my power towards the attainment of the desired ends; and I am happy to find this assurance so completely in accordance with the instructions which your Lordship has been pleased to transmit to me by telegram in cipher, dated Monday 13, and to the following effect:—“Co-operate as far as you legally can with the Spanish Government to put an end to the brigandage. Take care that, if possible, accomplices within the fortress are brought to justice.”

I may add, that up to the present moment no person in Gibraltar, whether native or alien, has been denounced as an accomplice of the brigands who captured the Messrs. Bonnell.

I have, &c.

(Signed) RICHARD AIREY.

Inclosure 2 in No. 80.

*Lieutenant Fraser to the Assistant Adjutant-General.**Gibraltar, June 7, 1870.*

Sir,

I HAVE the honour to report, for the information of his Excellency Lieutenant-General Commanding, that about 9.40 P.M. last night, I was returning on horseback from Algeciras, about 100 yards in advance of Lieutenant Inglis, when between the road turning off to Campamento and the Spanish Lines, I passed two men who moved aside to allow me to pass, and they made no remark.

Immediately afterwards I heard a cry from Lieutenant Inglis, and on turning back I met him running, pursued by two men, and saw his right leg covered with blood. He jumped up behind me on my horse, and we galloped to the Spanish Lines, where we reported what had occurred.

Lieutenant Inglis informed me that the horse on which he was riding had been stabbed, and had fallen down dead.

I have, &c.

(Signed) HUGH FRASER.

Inclosure 3 in No. 80.

Lieutenant Inglis to the Assistant Adjutant-General.

Sir,

Gibraltar, June 7, 1870.

I HAVE the honour to report, for the information of his Excellency the Lieutenant General commanding, that I was yesterday returning from Algeciras, riding, about 9.40 P.M.

When between the road leading to San Roque and the Spanish lines I met two men, one of whom, without any remark, stabbed my horse on the off-side; the horse staggered some few yards, and fell on his head and died.

I then, for the first time, saw the blood flowing from a wound in his shoulder.

The two men rushed at me; I called out to Lieutenant Fraser, who was about a hundred yards ahead of me, and ran after him, still pursued by the two men. On my way I saw a Spanish sentry, to whom I endeavoured to explain the occurrence. He did not seem to understand me, and Lieutenant Fraser coming up I jumped up behind him on his horse, and galloped to the Spanish lines, where we reported the matter to the Commander of the Spanish Guard.

I have, &c.

(Signed) JAMES A. S. INGLIS.

CORRESPONDENCE respecting the Capture
of Messrs. John and John Antonio
Bonnell by Spanish Brigands, near
Gibraltar : 1870.

*Presented to the House of Lords by Command
of Her Majesty. 1870.*

CORRESPONDENCE

RESPECTING THE

CAPTURE

OF THE

GIBRALTAR SCHOONER "GARIBALDI"

BY A

SPANISH REVENUE CRUIZER.

1868-69.

Presented to the House of Lords by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—81.] *Price 4½d.*

TABLE OF CONTENTS.

No.	Date.	SUBJECT.	Page
1. Sir J. Crampton ..	Jan. 26, 1868	Inclosing correspondence relative to capture of Gibraltar schooner "Garibaldi" by Spanish revenue cruizer ..	1
2. Colonial Office ..	Feb. 8,	Inclosing despatch from Governor of Gibraltar, with Memorial from owners, relative to seizure of the "Garibaldi"	7
3. Sir J. Crampton ..	18,	Inclosing correspondence with Consul Dunlop relative to the seizure of the vessel and as to the limits of Spanish maritime jurisdiction	9
4. Colonial Office ..	25,	Despatch from Governor of Gibraltar, with deposition of the master of the "Garibaldi"	12
5. To Sir J. Crampton ..	Mar. 20,	Opinion of Her Majesty's Government with regard to the capture of the "Garibaldi." To make representation to Spanish Government	13
6. Sir J. Crampton ..	25,	Inclosing copy of note which, according to instructions, he has addressed to Spanish Government	14
7. " " ..	Apr. 25,	The case referred to Minister of Finance	15
8. " " ..	June 27,	Inclosing reply of Spanish Government, who maintain that Capture was justifiable	15
9 Colonial Office ..	July 27,	Despatch from Governor of Gibraltar with letter from Captain of the Port supplying further information	16
10. To Sir J. Crampton ..	29,	Views of Her Majesty's Government modified. To apply for copies of log-book and other official documents	24
11. To Colonial Office ..	31,	Inclosing copy of the above	25
12. Sir J. Crampton ..	Aug. 7,	Inclosing copy of note which he has addressed to the Spanish Government relative to discrepancies in evidence.	26
13. " " ..	Nov. 11,	Inclosing note from Spanish Government forwarding documents asked for	27
14. North Shields and Tynemouth Chamber of Commerce	16,	Calling attention to the capture of the "Garibaldi"	31
15. To North Shields and Tynemouth Chamber of Commerce	19,	Answer to the above. The case is under consideration	32
16. To Sir J. Crampton ..	Jan. 1, 1869	Further opinion of Her Majesty's Government. Case is so suspicious that Sir J. Crampton is to interfere no further.	32
17. To Colonial Office ..	Jan. 1,	Sending copy of the above	33
18. Messrs. Turnbull and Son	May 24,	Asking on what ground indemnification for the owners is not required by Her Majesty's Government	33
19. To Messrs. Turnbull and Son	31,	Answer to the above	33

Correspondence respecting the Capture of the Gibraltar schooner
“Garibaldi” by a Spanish Revenue Cruizer.

No. 1.

Sir J. Crampton to Lord Stanley.—(Received February 1.)

My Lord,

Madrid, January 26, 1868.

I HAVE the honour to transmit herewith to your Lordship copy of a despatch, together with its inclosures, which I have received from Her Majesty's Consul at Cadiz, respecting the capture by a Spanish guarda costa of the schooner “Garibaldi,” the property, it would appear, of Messrs. Garese and Co., merchants, of Gibraltar.

In forwarding these documents to your Lordship, for the information of Her Majesty's Government, I beg to add, that I have instructed Mr. Dunlop to have drawn up and forwarded to me a full Report, setting forth the several points of the legal proceedings taken by the Court which may have condemned the “Garibaldi.”

I have, &c.

(Signed)

JOHN F. CRAMPTON.

Inclosure 1 in No. 1.

Consul Dunlop to Sir J. Crampton.

Sir,

Cadiz, January 22, 1868.

I HAVE the honour to state to you, that on the 26th December last, I received a letter from Domingo Garese and Co., merchants of Gibraltar, of which copy is inclosed, stating that an illegal capture of their British schooner “Garibaldi” had taken place. On sending unofficially, to inquire here respecting the case, I learned that the vessel had been brought in here, but had subsequently, about ten days after, been sent to Huelva with her crew; and I desired the Vice-Consul there to “watch proceedings” in the case the best way he could, but to take no further official steps.

On the 15th instant I received a despatch from his Excellency the Governor of Gibraltar, copy of which, with two documents, is inclosed; and yesterday, the Vice-Consul at Huelva forwarded to me a “statement of affidavits,” copy of which is also inclosed.

I have also the honour to transmit herewith the copy of a despatch which I have to-day addressed to the Colonial Secretary at Gibraltar, in reply to his (afore-mentioned) of 15th, to which I beg most respectfully to refer you.

I have, &c.

(Signed)

A. GRAHAM DUNLOP.

Inclosure 2 in No. 1.

Messrs. Garese and Sons to Consul Dunlop.

Sir

Gibraltar, December 23, 1867.

WE have just seen in the "Diario de Cadiz" of 20th instant, that our British schooner "Garibaldi," Inocenso Firpo, master, has been captured, and detained, and taken into Cadiz. We beg to assure you that this capture is perfectly illegal, as the vessel cleared out from the Port Office here with tobacco, bound to Falmouth on the 12th instant.

We shall feel greatly obliged if you will be good enough to inquire into the circumstances of this illegal detention, and cause the master immediately to protest (if he has not already done so) before you.

We take the liberty also of addressing a few lines to Captain Firpo, which perhaps you will have goodness to cause to be delivered.

We have, &c.
(Signed) DOMINGO GARESE AND SONS.

Inclosure 3 in No. 1.

Mr. Freeling to Consul Dunlop.

Sir,

Secretary's Office, Gibraltar, January 13, 1868.

I AM directed by the Governor to forward you the accompanying copy of a Memorial received from Messrs. D. Garese and Sons, the owners of the British schooner "Garibaldi," which is reported to have been captured on the high seas by a Spanish revenue-boat on the 17th ultimo.

His Excellency would be much obliged if you would favour him with any particulars respecting this seizure, and the treatment of the crew, that he may report to the Colonial Office.

I have, &c.
(Signed) S. FREELING, *Colonial Secretary.*

Inclosure 4 in No. 1.

Memorial of Thomas and John Garese.

To his Excellency Sir R. Airey, G.C.B., Governor and Commander-in-chief of the City and Garrison of Gibraltar.

The humble Memorial of Thomas Garese and John Garese, of Gibraltar, ship-chandlers, trading under the firm-name of Domingo Garese & Sons:

Showeth,

THAT your Memorialists, who are the owners of the British schooner called the "Garibaldi," received the annexed copy of a letter written by the master of their said ship to Her Britannic Majesty's Consul at Cadiz, respecting the illegal seizure and capture thereof on the 17th day of December, 1867, on the high seas, by the Spanish guarda costa, or revenue boat "La Viva."

That on perusal of the said copy-letter, your Excellency will perceive, that besides the said schooner "Garibaldi" having been boarded and seized in latitude 36° 48' north, 7° 3' west, about sixteen miles from the Spanish coast, the ship's papers, consisting of the register, the articles, bill of health, &c., were destroyed, or otherwise put out of the way, some of the master's property plundered, and the master and crew most cruelly and shamefully treated.

That your Memorialists hasten to bring to your Excellency's notice this piratical act perpetrated on a British vessel on the high seas, by the Commander and crew of a Spanish revenue boat. Sincerely trusting that your Excellency will, without loss of time, after obtaining from Her Britannic Majesty's Consul at Cadiz further evidence, if necessary acquaint Her Majesty's Government of this fact, with the object of obtaining from Her Catholic Majesty's Government that reparation which it is bound to make.

Wherefore your Memorialists humbly pray your Excellency will take their case into consideration, and be pleased to move Her Majesty's Government to demand from that of Her Catholic Majesty that redress which your Memorialists, the owners of the cargo, and the master and crew of the said ship "Garibaldi" are so justly entitled to under the circumstances.

And your Memorialists will ever pray, &c.

(Signed)

DOMINGO GARESE AND SONS.

Gibraltar, January 10, 1868.

Inclosure 5 in No. 1.

Certificate.

By Augustus Chetham Strode, Esq., Captain in the Royal Navy, Captain of the Port of Gibraltar.

These are to certify to all whom it doth or may concern:—

THAT the British schooner "Garibaldi" (official No. 50,609), of this port, Inocenzo Firpo, master, cleared out at this port on the 12th instant, for Falmouth, with tobacco, and that she was provided with the usual certificate of registry, and articles of agreement with the crew.

Given under my hand and seal of office, this 31st day of December, in the year of our Lord, 1867.

(Signed)

A. C. STRODE.

Inclosure 6 in No. 1.

Depositions of Captain and Crew of the "Garibaldi."

(Translation.)

ON this day, the 14th January, 1860, appeared before me, Captain Inocenzo Firpo, and crew, belonging to the schooner called the "Garibaldi," No. 70,232, of Gibraltar; and being sworn according to law, said and declared, that his said ship's burthen per register is 57 tons; that on Monday, the 16th December, 1867, after receiving all documents necessary, and provisions for the voyage, and one passenger, sailed with light breeze from east, at about 8 A.M., from Gibraltar, with a cargo of tobacco, bound to Falmouth, as per bills of lading. About 10 A.M., north by south, off Cape Camero; fine breeze, and at all sails. At 11.30 A.M., made course to Tarifa; light fresh breeze north-east, smooth sea, with sight of both coasts, Spain and Barbary; continued course toward north-east. On the 19th made out the coast, and found it was the coast of Huelva. At about 8 A.M., calm winds; observed and found to be 36° 48' north latitude, 7° 3' west Greenwich meridian. At about 10 A.M., light breeze, set top-gaff sails in both masts. Observed a falucho without any ensign, bearing towards us; soon after heard fire of muskets, whereof the shots passed over the "Garibaldi;" and for fear that said falucho should be an enemy, and that their intention might have been of causing some mischief, continued our course with all sails set. The falucho approaching, we could distinguish a small Spanish ensign, with shield in its centre. Immediately the declarer hoisted the British flag to the main-topmast, lowered sails, put close, and waited the falucho, which continued firing at the "Garibaldi," and using a very coarse language, or outrageous (*sic*). When she reached alongside, they jumped on board of the "Garibaldi," carrying their arms; and some of them set immediately to open the hatches, cursing and swearing, and by their appearance seemed to be all drunken men, including their master, who pointed at the declarer with a musket, and ordered the declarer to go on board the falucho. The declarer, wishing to know the reason of such an assault, tried to have explanations; but the captain of the falucho ill-treated him, struck him in the face, and threatened him and crew to be shot, and compelled the declarer, crew, and passenger, to abandon the "Garibaldi;" and were all imprisoned on board of the falucho; that the declarer understood that the falucho was a Spanish guard-coast, called the "Viva," Captain Francisco Barboza.

On the afternoon of the same day, the declarer was again called on board the "Garibaldi" to answer to said Barboza an interrogatory; that he was requested to say

where he was coming from, and where bound to, and also requested to produce the ship's documents; that he then went down to his berth in search of the ship's papers, and found that they had been carried away from his desk, as well as 300 cigars, which he had for his own use, and a pair of boots, which he found the captain of the *falucho* had on his feet; the declarer then answered to Captain Barboza, that the ship's documents were left by him in his desk in a tin case, and that he presumed that either he (Captain Barboza), or his crew, must have carried said tin case away. Captain Barboza then insulted the declarer, and pushed him away from the "*Garibaldi*" to the "*Viva*," and sent him down to the hold. On the night, the declarer was again called on board of the "*Garibaldi*," and was again requested to seek his documents, with insults, which induced the declarer to believe that neither Captain Barboza nor his crew were sober. The declarer then answered, that his ship's documents had been stolen, either by Captain Barboza or some of his crew. Captain Barboza then pushed him away, and struck him on his head, and sent him again on board the *falucho* "*Viva*." The declarer was then sent down the hold by the fore-hatch; and had he not descended so quickly, he would have received a stroke on his head, as Captain Barboza was trying to kick him, which he could not effect by being intoxicated. About half-an-hour after, the declarer was again called abaft of the "*Viva*," along with the crew of the "*Garibaldi*," and in my presence inquired them for my documents. They answered, they did not know of the papers, but that they had signed articles at the Port Office at Gibraltar. Captain Barboza then got hold of a pistol, and pointed to one of my ears, saying, Do you dare call me and my crew robbers? The declarer then answered, the cigars which you and your crew are smoking, and the boots you now wear, and a hat that one of your men wears at this moment, are mine; if these articles have been stolen from my berth, the documents have as well been stolen, as they were in the same place, the latter in a shut-up tin case, including my nautical almanac. Captain Barboza then said, he would shoot the declarer; who answered, You may do so, but do not insult me any more. Captain Barboza continued insulting me, and declared that he would not shoot Captain Firpo, because he wished to make him suffer more than he would by being killed; and sent him again forward along with his crew.

Wherefore the declarer does hereby protest in the most solemn and extensive manner against Captain Barboza and his crew, for the bad act of assaulting at sea, ill-treatment, insults, damages, costs, and expenses, that all may be borne and paid by said Captain Barboza, it not being occasioned by wilful neglect or default of the declarer, who did his duty to the utmost of his power.

(Signed)

INOCENSO FIRPO.

Sworn before me,
(Signed) EDWARD DIAZ.

Appeared personally, Rosiendo Sacramento, boatswain, bound and belonging to the schooner called the "*Garibaldi*," No. 70,232, of Gibraltar; and being sworn according to law, said and declared, that he cannot understand English, and made his deposition in the Spanish language, a translation of which follows:—

That he was employed at Gibraltar as boatswain, according to agreement with the Captain, as was stated in the conditions inscribed on the roll, which was read to him on his name being entered, to perform the voyage in the quality of such boatswain, to Falmouth and back, and not with an understanding that he should make a further voyage, or put into any other port but Falmouth. We left Gibraltar, bound for Cape Santa Maria, and being opposite Huelva, at about 10 in the morning we saw a small vessel, which did not attract attention owing to no flag having been seen. But at the end of half-an-hour, I heard gun-shots, and informed the captain that that vessel was firing at us; then the captain stopped, and upon observing, distinguished the Spanish flag of war. He ordered me to hoist the national flag of the "*Garibaldi*," this I did, and also, by the captain's orders, furled the sails. While engaged in these operations, the vessel arrived alongside, and her crew jumped on board of us, with arms in their hands, shouting; and as soon as they got on deck, they made me jump on board the capturing vessel, with all the rest of the crew of the "*Garibaldi*." Afterwards I was called with the rest of the crew, and they asked me whence I came; I answered, from Gibraltar. On being asked where I was going, I replied, that I had engaged myself for Falmouth. They asked me if I had seen or knew of the papers of the "*Garibaldi*." I replied that I had not seen the ship's papers; but that on engaging myself for the voyage, I went to the office of the Captain of the Port at Gibraltar, where I was inscribed in the ship's roll. I

remember, that at Gibraltar, the captain handed a small bag to me, saying, These are the ship's papers, put them in my berth; which I did when I got on board. We had left Gibraltar five days when we saw the falucho that captured us. When she took us, we were about five leagues from shore.

(Signed) ROSIENDO SACRAMENTO, *Boatswain.*

Before me,
(Signed) EDWARD DIAZ.

(Translation.)

Declaration of José Ferreira, sailor, belonging to the English pilot-boat "Garibaldi," of Gibraltar, No. 70,232.

I was engaged by Captain Inocenso Firpo to perform a voyage to Falmouth and back without having to put into any other port. About a month ago we left Gibraltar, after I had been inscribed in the roll of the said ship as a seaman. When the captain came on board, he carried a small bag which he handed to the boatswain, in which was a tin-box, which the captain said were the ship's papers. We proceeded on our voyage, and being opposite to Huelva, about 16 miles off, we saw a falucho, but did not know what sort of vessel she was, as that class of ship is very common on this coast, and as no flag had been seen. A little time after the vessel began to fire, and the captain seeing that she carried the war flag, ordered me to hoist the colours and shorten sail till we lay-to. The vessel came alongside, and her captain and crew jumped on board the "Garibaldi" armed; the captain came to me and struck me, knocking off my cap, doing the same to our captain, whom they forced to go on to the revenue-boat by means of pushes and insults; the crew went and opened the hatchways and jumped into the hold, afterwards they made me jump on to the Spanish vessel, and made me go down into the hold with my shipmates. When the revenue-boat came alongside it was about ten in the morning.

(Signed) JOSE FERREIRA.

Before me,
(Signed) EDWARD DIAZ.

(Translation.)

The Declaration of Francisco Rosa, seaman belonging to the crew of the schooner "Garibaldi," of Gibraltar, No. 70,232, Captain I. Firpo.

Was engaged by the captain as seaman in the schooner "Garibaldi" for a voyage to Falmouth and back, under condition of not stopping at or putting into any other port. About a month ago, more or less, not being quite sure of the exact day of starting, left Gibraltar for Falmouth, directing our course towards Cape Santa Maria, there being little wind. Being opposite Huelva in the morning, we directed our course outwards, the captain having ordered us to make more sail; saw a falucho coming towards us, but did not know what sort of ship she was till at a certain distance; heard that she was firing on us; then the Spanish war flag was seen; the captain then ordered us to luff and hoist the English colours, also to back some sails so as to lay to; this happened at a distance of about four leagues, more or less, and at about ten in the morning the falucho came alongside, and her captain and crew jumped on board the "Garibaldi" with arms, shouting, "Down!" They made us go on to the falucho and go down to the hold; afterwards they made me go to the poop with my shipmates and make declarations, and they asked me for the ship's papers. As a sailor living in the forepart of the ship I had not seen them, and I could only avow so; they took them to Cadiz and from Cadiz to Huelva.

(Signed) FRANCISCO ROSA, *Seaman.*
By another hand.

(Translation.)

Francisco de la Cruz, after having made oath that he would speak the truth in everything that might be asked him, said that he was a seaman on board the pilot-boat "Garibaldi," of the Gibraltar register, having engaged himself under the express conditions of the ship's roll to perform a voyage to Falmouth and back to Gibraltar, under the express condition of not putting into any other port. We left Gibraltar about

thirty-two days ago, pointing our course to our above-mentioned destination. I do not know the distance we were from Huelva as I am not able to see very far; but it was about ten in the morning. I was on the mast working when I saw a gun-shot which they fired from a falucho, which I could not recognize, not having seen any flag; afterwards I heard another shot nearer from the same falucho, and the captain ordered me to luff and to lower the sails, the ship being brought to waiting for the falucho, which came alongside; then I perceived that she carried the Spanish war flag; the captain and crew of the falucho then jumped on board our ship with arms in their hands, and ordered us down to the fore-cabin, and a little time afterwards made us come up to embark on the falucho, where we remained till they brought us to Cadiz.

(Signed) FRANCISCO DE LA CRUZ.

Before me,
(Signed) EDWARD DIAZ.

(Translation.)

José Maria Lansa, Portuguese by nation, after having made oath that he would speak the truth in everything that was asked him, said that he embarked on the English pilot-boat called "Garibaldi" to make the voyage direct to Falmouth and to return to Gibraltar in the same ship. That on the 17th of December last, being off guard below deck in the forepart of the ship, he heard a noise on board, and having gone on deck saw a falucho, which the rest of the crew said had fired on them, although, from her prow being turned towards them, no flag could be seen till she was close to the "Garibaldi." The Captain ordered the flag to be hoisted, which was done immediately. That then the crew of the "Viva" boarded us and took possession of the ship, making us embark on the "Viva," and taking us to the port of Cadiz, whence they brought us here. I am, however, waiting for the decision of the authorities to embark, or to see what I have to do.

(Signed) JOSE M. LANSA.

Before me,
(Signed) EDWARD DIAZ.

(Translation.)

Francisco de Arango, Portuguese, after making oath, said, that he had embarked at Gibraltar in the ship "Garibaldi," as cook, to make the voyage direct to Falmouth and to return to Gibraltar. That on the 17th of December a Spanish ship came alongside of the "Garibaldi" and made them abandon this vessel and transfer themselves to the Spanish ship (Paileboat) "Viva," which brought them to Cadiz. That he is ignorant of the motive which they may have had for taking them captive to Cadiz, as also of the distance they were from land when the falucho "Viva" came alongside of the "Garibaldi." That this is all he can say; and he asks for a protection in order that he may be sent to Gibraltar if he cannot continue his voyage to Falmouth.

Appeared personally before me, on this day the 20th January, 1868, the captain of the schooner "Garibaldi," No. 70,232, of Gibraltar, and being sworn according to law, said and declared that he protests most solemnly against all proceedings taken by the Revenue Judge, being incorrect and illegal, the statements made by the crew, who did not understand the Spanish language, and whose depositions have not been taken through the medium of an interpreter, as is sufficiently proved by the contradictory statement of the seaman, José Ferreira, when were read to him the declarations found by the above-named Judge on the 16th of January, 1868.

(Signed) INOCENSO FIRPO.

Before me,
(Signed) EDWARD DIAZ.
By Edward Diaz Gomez, Esq., Her Britannic Majesty's Vice-Consul at Huelva.

These are to certify unto all whom it doth or may concern that the foregoing documents, purporting to be a copy of the Protest made before me by Captain Inocenso

Firpo, of the schooner "Garibaldi," of Gibraltar, are a true and faithful copy of the original as inscribed in the Register of this Vice-Consulate.

In testimony of which I hereunto set my hand, and affix my seal of office, at this British Vice-Consulate at Huelva, this 20th day of January, 1868.

(Signed)

EDWARD DIAZ, *Vice-Consul*.

Received from Huelva Vice-Consulate.

(Signed)

A. GRAHAM DUNLOP, *Consul*.

Inclosure 7 in No. 1.

Consul Dunlop to Mr. Freeling.

Sir,

Cadiz, January 22, 1868.

IN reply to your despatch of the 13th instant respecting the British schooner "Garibaldi," I beg leave to state for the information of His Excellency the Governor of Gibraltar, that I have to-day cross-examined the captain and crew of the vessel, upon the examination taken last week before the Vice-Consul at Huelva, and that the following facts seem to me to be clearly elicited:—

1. That the "Garibaldi," was taken at about seventeen or eighteen miles off the Spanish (and Portuguese) coasts by the Spanish cruiser "Viva" (Captain Barboza); Firpo, the master of the "Garibaldi," asserts eighteen miles; two of the crew five leagues; two others sixteen Spanish miles; and one other five leagues.

2. That violence and cruelty towards Firpo was committed by the Spaniards in seizing and whilst taking possession of the "Garibaldi," and that they destroyed papers and stole property belonging to Firpo.

3. That the Spaniards succeeded in so frightening the crew of the "Garibaldi" that they gave evidence (in itself of a conflicting and contradictory character but) in accordance with what they thought would please the Spaniards and render their speedy release more probable; and that threats were used to obtain such evidence; and

4. That, although the British flag was flying on board the "Garibaldi," and though Firpo repeatedly declared his nationality, no notice of any kind was received of the proceedings, either by this Consulate when the master and crew were kept prisoners in Cadiz Bay for many days, or by the Vice-Consul at Huelva, where the "Garibaldi" was taken last week, and adjudged a prize to the Revenue cruiser, and where the ship and her cargo are now said to be held by the Customs authorities there.

The situation or position of the "Garibaldi" when taken, as declared by Firpo, appears to me suspicious of an intention to smuggle, being certainly out of the course of vessels sailing from Gibraltar towards England; but no doubt exists in my mind of the fact that she was seized at sea, far outside Spanish waters or jurisdiction, and that a piracy has been therefore committed.

I report the case to-day to Her Majesty's Minister at Madrid, and await his instructions before taking any official steps in the matter.

I have, &c.

(Signed)

A. GRAHAM DUNLOP.

No. 2.

Mr. Elliot to Mr. Hammond.—(Received February 10.)

Sir,

Downing Street, February 8, 1868

I AM directed by the Duke of Buckingham and Chandos to transmit to you, for the consideration of Lord Stanley, a copy of a despatch from the Governor of Gibraltar forwarding a memorial from Thomas and John Garese, ship-chandlers of Gibraltar, respecting the seizure by the Spanish revenue boat "La Viva," on the high seas, on the 1st December last, of the British schooner "Garibaldi," of which they are the owners.

I am, &c.

(Signed)

T. FREDK. ELLIOT.

Inclosure 1 in No. 2.

Sir R. Airey to the Duke of Buckingham.

(Extract.)

Gibraltar, January 23, 1868.

I HAVE the honour to forward to your Grace the accompanying memorial of Thomas and John Garese, ship chandlers of Gibraltar, respecting the seizure on the high seas, on the 1st of December last, of the British schooner "Garibaldi," of which they are the owners, by the Spanish Revenue boat "La Viva."

Messrs. Garese likewise forward copy of a letter written by the master of the said schooner to Her Majesty's Consul at Cadiz, respecting the said seizure, and the shameful treatment of the master and crew.

I beg to inclose a Report from Consul Dunlop on the subject, from which it appears that the vessel has been illegally captured, property stolen, papers destroyed, and violence and cruelty perpetrated on the crew by the Spaniards.

In case it should be considered that there is but little legitimate commerce between the United Kingdom and Gibraltar, I would beg to observe that by the last published Annual Statement of the Trade and Navigation of the United Kingdom with Foreign Countries and British Possessions, it appears that the declared real value of exports to Gibraltar in 1866, amounted to 1,134,699*l.* sterling.

Inclosure 2 in No. 2.

Memorial of Thomas and John Garese.

[See Inclosure 4 in No. 1.]

Inclosure 3 in No. 2.

The Master of the "Garibaldi" to Consul Dunlop.

(Translation.)

*Brigantine "Garibaldi," Cadix Bay,
December 21, 1867.*

Sir,

AFTER duly complimenting you, I must inform you that on the 17th instant, the Spanish guarda costa, "La Viva," Francis Barboza, commander, when in latitude 36° 48' north and longitude 7° 3' west Greenwich meridian, made me lower some sails, firing on us, and afterwards came alongside, the crew arms in hand, all drunk, threatening us, and striking and pushing us, and in this manner I and my crew were made to go on board the "Viva," as appears by my log-book or "giornale," as it is called in my language (Italian), pointing out to you that the tin-box containing my ship's papers cannot be found. The commander of the "Viva" must answer for it, as just before their boarding us I had it ready, but, seeing so great a confusion of arms and drunkenness, I replaced it in the desk in my cabin, and then took place all what I have above explained, without my having been asked for any papers nor log-book. In the afternoon he made me embark on board my vessel, and asked where was I bound for. I told him, and the commander then asked me where I had my ship's papers. I immediately opened the desk and searched it, but the tin with the papers was there no more, and 300 cigars which were in the same desk had likewise disappeared. I then told the master that he must know about the papers, that I had no need of being mocked, and that he had not asked me for them when they came alongside. He then told me, "You blackguard," and with pushes he made me re-embark on board the "Viva." In the evening he made me descend into the cabin, being more drunk than before, and he wanted me to search the cabin all over. I searched part of it until I told him it was enough. He then, with pushes and slaps, pulling my cap off, accompanied me as far as the fore-hatch of the "Viva;" when going down, as I was lowering my head, he aimed a strong kick at me, but luckily did not hit me. Ten minutes afterwards he called me astern of his ship, and again threatened me, putting a pistol to my face. I then three times told him to fire, and he answered that he did not wish to kill me that way, that he wished to see me suffer still more. It is three days that we are here, and we are now told that we shall have to go to Mahon or Vigo.

I earnestly entreat you to do all in your power to have my crew released from under

the deck of the "Viva," as they can neither stand nor lie there, and I am afraid that some of them may be taken ill.

Yours, &c.
(Signed) INOCENSO FIRPO.

Inclosure 4 in No. 2.

Consul Dunlop to Mr. Freeling, January 22, 1868.

[See Inclosure 9 in No. 1.]

No. 3.

Sir J. Crampton to Lord Stanley.—(Received February 22.)

My Lord,

Madrid, February 18, 1868.

WITH reference to my despatch of the 26th ultimo, inclosing copy of a despatch and inclosures from Her Majesty's Consul at Cadiz respecting the seizure of the schooner "Garibaldi" by a Spanish guarda costa, I have now the honour to transmit to your Lordship copy of a despatch from Mr. Consul Dunlop, forwarding to me a letter from Señor Firpo, the master of the captured vessel. As this latter document was in the Spanish language, and was not accompanied by a translation, I returned it to Mr. Dunlop, in order that it might be translated, and at the same time addressed a despatch to him, copy of which is inclosed herewith, informing him that I would refer the question contained in Señor Firpo's letter, respecting the legal limits of Spanish maritime jurisdiction, to your Lordship. I have now received from Consul Dunlop a further despatch, returning Señor Firpo's letter translated, together with other correspondence upon the subject of the "Garibaldi," copies of which I have the honour to inclose.

I shall await your Lordship's instructions before addressing any communication to the Spanish Government on this subject.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure 1 in No. 3.

Consul Dunlop to Sir J. Crampton.

(Extract.)

Cadiz, January 28, 1868.

I HAD the honour to receive yesterday your despatch dated 25th instant, and have, in conformity with the instructions contained therein, desired the Vice-Consul at Huelva to endeavour to procure the documents required by you from the Spanish local "Hacienda" there.

The master of the "Garibaldi" (Firpo) and his crew have left this for Gibraltar. I have the honour to inclose herewith a letter which reached me yesterday from Firpo, asking how far off shore the legal limit of Spanish jurisdiction extends.

I should be glad to be able to answer this letter in any explicit manner, but shall not reply until I learn from you the legal distance. I presume that a difference ought to exist in "the Straits," from the open seaboard jurisdiction boundary.

Inclosure 2 in No. 3.

Sir J. Crampton to Consul Dunlop.

Sir,

Madrid, January 30, 1868.

IN returning you herewith the letter which has been addressed to you by the Master of the "Garibaldi," in order that it may be translated, I cannot do more under existing circumstances than refer the question therein involved to Her Majesty's Principal Secretary of Foreign Affairs.

I am, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure 3 in No. 3.

Consul Dunlop to Sir J. Crampton.

Sir,

Cadiz, February 12, 1868.

I HAVE the honour (in referring to your despatch to me of 30th January, on the subject of the seizure of the British schooner "Garibaldi") to inclose herewith:—

1. Captain Firpo's letter to me of 25th January last, with the translation into English, as you ordered.

2. Copy of a letter to me from the Vice-Consul at Huelva, dated 1st instant, by which you will perceive that he finds it a "difficult thing" to obtain now an official declaration and detail of the proceedings against the "Garibaldi."

3. Letter from the Huelva Hacienda, on the subject of some of the said proceedings.

4. Translation of the same into English.

5. Letter to me from the Colonial Secretary at Gibraltar, dated 5th instant, respecting the case of the "Garibaldi."

6. Deposition of Firpo, Captain of "Garibaldi," before Captain Strode, R.N., Magistrate of Gibraltar; and,

7. Letter which I have received from Messrs. Garese, merchants of Gibraltar, dated 8th instant, in which, whilst alluding to the seizure of the "Garibaldi," information is asked for (somewhat in the same terms as in Captain Firpo's letter to me) respecting the real legal limits of Spanish maritime jurisdiction in the Straits of Gibraltar, and along the neighbouring seaboard of Spain.

In all, eight documents.

I have, &c.

(Signed) A. GRAHAM DUNLOP.

Inclosure 4 in No. 3.

Captain Firpo to Consul Dunlop.

(Translation.)

Sir,

Cadiz, January 25, 1868.

AFTER presenting my compliments, I should wish you to explain to me the limits within which a British vessel with a cargo of tobacco and other goods may approach the Spanish coast,—a favour I hope from you, and that you will have the kindness to send me the answer to Gibraltar as I will likely leave this to-day, a steamer being expected which will likely leave to-night.

Yours, &c.

The master of the pilot-boat "Garibaldi,"

(Signed) INOCENSO FIRPO.

Inclosure 5 in No. 3.

Vice-Consul Diaz to Consul Dunlop.

Sir,

Huelva, February 1, 1868.

IN conformity with your esteemed favour of the 27th ultimo I have made an application to the Spanish authorities for the documents you require concerning the capture of the "Garibaldi," without, however, succeeding in obtaining the same. I inclose a letter upon the subject by the Administrador de Hacienda Publica, which is all I have obtained. I shall endeavour to get a full report of their proceedings, but I am afraid it will be a difficult thing.

Perhaps I shall have the pleasure of seeing you at Cadiz in the course of a few days, when we will be able to talk the matter over more fully. In the mean time, I have, &c.

(Signed) EDUARDO DIAZ.

Inclosure 6 in No. 3.

The Administrator of the Huelva Hacienda to Vice-Consul Diaz.

(Translation.)

January 30, 1868.

IN answer to your letter of the 30th of January (to-day) I have the honour to inform you that the proceedings in the seizure of the sailing-boat "Garibaldi" are as follows:—

1st. When the seizure was declared valid or good the "Guarda Almacen de Estancados" was ordered to take charge of the cargo of tobacco of the said vessel.

2nd. When the cargo was landed and deposited in the warehouse, permission was solicited from the Administrator of the Custom-house to name a competent person to classify and to value it.

3rd. After that the members of the "Junta Administrativa" were summoned to give their opinion on the seizure, and all declared that they considered it valid; and on the 18th of the same month it was consulted with the Director-General (after the decision of the members was known to him) what was to be done with the vessel "Garibaldi."

I remain, &c.

(Signed) R. P.

Inclosure 7 in No. 3.

Mr. Freeling to Consul Dunlop.

Sir,

Secretary's Office, Gibraltar, February 5, 1868.

I AM directed by the Governor to transmit for your information the accompanying copy of a deposition taken on oath, before the Captain of the Port, one of Her Majesty's Justices of the Peace, of Mr. Inocenso Firpo, late master of the British schooner "Garibaldi," of Gibraltar, illegally captured on the 17th December last, on the high seas by the Spanish revenue-boat "Viva," and taken to Cadiz.

I have, &c.

(Signed) S. FREELING, *Colonial Secretary.*

Inclosure 8 in No. 3.

Deposition of Inocenso Firpo.

THE deposition of Inocenso Firpo, a native of Genoa, taken on oath this 1st day of February, in the year of our Lord, 1868, before me, Augustus Chetham Strode, Esquire, Captain R.N., Captain of the Port, and one of Her Majesty's Justices of the Peace in and for the said Port, City, Garrison, and Territory, at the Port Office in the said Port, City, Garrison, and Territory.

This deponent saith that—I am the master of the British schooner "Garibaldi" of Gibraltar, of 57 tons register.

That on the 16th day of December last, at 8 A.M., I sailed from the Port of Gibraltar with a crew of six men, exclusive of myself, and one passenger, on a voyage to Falmouth, with a cargo of tobacco. On leaving Gibraltar there was a light easterly wind; at about 11·30 A.M. I was off Tarifa, where the wind was blowing fresh from north-east. On the morning of the 17th at 8 o'clock, I was in latitude 34° 48' and longitude 7° 3'.

Between 8 and 10 o'clock, A.M., the wind was light and variable; I was under sail steering north-west, and observed a small vessel coming towards me. Three muskets were fired from her, and she hoisted the Spanish ensign; I then hoisted the English, and she came within hail of us; the patron of her called out, "Lay-to, you,——." He also used other similar expressions. I shortened sail, and the Spanish vessel came alongside and boarded me with armed men. They opened my hatchways, and drove my crew below into the forecastle. The Spanish patron struck the man who had been at the helm two or three times with his fist and hand. I interfered to prevent this, when the patron presented his musket at me, collared and kicked me, and violently forced me on board the Spanish vessel; I was confined there below her deck, together with my crew, which had been taken out of my vessel, also the passenger.

When I was captured I was between 16 and 18 miles off shore, steering towards Cape St. Mary. After four hours I was taken on board my own vessel. The Spanish patron then asked me where I was from, and where bound to, and what cargo. I answered all these questions. He then demanded the ship's papers; I went down in my cabin for them, followed by the patron.

When I looked into the place where I had them, I found they were gone, together with the tin-box in which they had been kept; I also found that 300 Havana cigars had been taken away from the same place.

A new pair of sea-boots were also gone, which I afterwards recovered from the

Spanish patron, who was wearing them; I also observed that he and his crew were smoking my cigars.

On the patron again demanding my papers, I answered him, "You must have them, as the cigars you and your crew are smoking and the boots you have on were taken from the same place."

After this I was taken back to the Spanish vessel and placed below in confinement. After repeatedly being ill-treated and abused, I was eventually conveyed to Cadiz in the Spanish vessel, together with my crew and passenger; my vessel was also brought to Cadiz by the crew of the Spanish vessel, whose name I had found out was the "Viva," and that the patron's name was Francisco Barbosa. We reached Cadiz on the 19th December, and were kept in quarantine until the 31st. On the 4th January we were all taken before the Spanish authorities on shore; they commenced to examine me, but I demanded that the British Consul might be present. They would not allow this, nor was I allowed to communicate in any way with the British Consul when I was in quarantine, although I had requested to do so; I objected to go on with the examination, unless the British Consul was present. They then read to the crew some declarations which were supposed to have been taken by the patron of the "Viva;" after that we were taken on board the "Viva," and then were taken to Huelva, where the same thing was acted over again with respect to the crew, and there I gave my deposition, because the British Vice-Consul advised me to do so.

We were then liberated, but the "Garibaldi" and her cargo were detained at Huelva; after this I made a protest before the authorities at Huelva against these proceedings. The declaration I made at Huelva was simply according to my log-book, and does not contain everything that I have now stated.

(Signed) INOCENSO FIRPO.

Sworn before me, on the day and year above and before written.

(Signed) A. C. STRODE, J.P.

Inclosure 9 in No. 3.

Messrs. Garese and Sons to Consul Dunlop.

Sir,

Gibraltar, February 8, 1868.

SEIZURES of British vessels in the Straits of Gibraltar and along the Spanish coast by Spanish revenue-boats having of late been common; and as we are engaged in commerce with England, Spain, and Portugal, wherefore our vessels have constantly to pass and repass the Straits, and to sail along or near the Spanish coast; and our vessel the "Garibaldi" having been lately seized when performing a voyage from this place to England, being sixteen or eighteen miles from land—it has become necessary to ascertain the exact maritime zone of Spanish jurisdiction in the Straits of Gibraltar and along the Spanish coast. We therefore request and hope you will be good enough to furnish us with this information, for the guidance of the masters of our vessels.

We have, &c.

(Signed) DOMINGO GARESE AND SONS.

No. 4.

Mr. Elliot to Mr. Hammond.—(Received February 26.)

Sir,

Downing Street, February 25, 1868.

WITH reference to my letter of the 8th instant, I am directed by the Duke of Buckingham and Chandos to transmit to you, for the consideration of Lord Stanley, a copy of a despatch from the Governor of Gibraltar, inclosing a copy of the deposition of Mr. Inocenso Firpo, the master of the British ship "Garibaldi," taken on oath by the Captain of the Port.

I am, &c.

(Signed) T. FREDK. ELLIOT.

Inclosure 1 in No. 4.

Sir R. Airey to the Duke of Buckingham and Chandos.

My Lord Duke,

Gibraltar, February 6, 1868.

WITH reference to my despatch of the 23rd ultimo, on the subject of the seizure of the British ship "Garibaldi" by a Spanish revenue-boat on the high seas, on the 17th December, 1867, I have the honour to forward to your Grace copy of the deposition of Mr. Inocenso Firpo, the master, taken on oath by the Captain of the Port.

I have, &c.
(Signed) RICHARD AIREY,
Lieutenant-General and Governor.

Inclosure 2 in No. 4.

Captain Strode to Mr. Freeling.

Sir,

Port Office, Gibraltar, February 1, 1868.

IN accordance with your letter of yesterday's date, I beg herewith to transmit, for the information of his Excellency the Governor, a copy of the deposition of Inocenso Firpo, late master of the British schooner "Garibaldi," respecting her seizure by a Spanish Government vessel while on the high seas.

I have, &c.
(Signed) A. C. STRODE, *Captain of the Port.*

Inclosure 3 in No. 4.

Deposition of Inocenso Firpo.

[See Inclosure 8 in No. 3.]

No. 5.

Lord Stanley to Sir J. Crampton.

Sir,

Foreign Office, March 20, 1868.

I HAVE had under my consideration your despatches of the 20th January and of the 18th ultimo, on the subject of the seizure on the 1st December last, by the Spanish revenue cruiser "La Viva," of the Gibraltar vessel "Garibaldi," while on a voyage from that port to Falmouth; and, after having consulted the proper Law Adviser of the Crown on the case, I have now to state to you that, if credit is to be given to the master and crew of the "Garibaldi," the seizure of that vessel was effected by the guarda costa in the Gulf of Cadiz, at a distance of more than four leagues from any Spanish land.

The vessel appears to have been at the time of seizure navigating the high seas, on a course not merely far outside the maritime territory of Spain, but also far outside the fiscal zone of two leagues, within which vessels with contraband goods on board are forbidden by the municipal law of Spain to navigate, except under certain conditions of necessity.

According to the statement of the master and crew, it would seem that the seizure of the "Garibaldi" cannot be defended upon any pleas of necessary precaution on the part of Spain, by reason of the place where she was found, to prevent smuggling, as her own municipal law has fixed the limits of those necessary precautions to a distance of six miles from her coasts; much less upon any principle of territorial right.

I have to instruct you, therefore, to represent to the Spanish Government that Her Majesty's Government, upon the evidence which has been submitted to them on behalf of the owners, are disposed to regard the seizure of the "Garibaldi" as a marine trespass; but that, before making any demand for indemnification against the Spanish Government, they are desirous to be informed upon what evidence and upon what principle of public right the Administrative Board at Huelva has decreed the confiscation of the "Garibaldi"

and her cargo. I have, at the same time, to instruct you to state to the Spanish Government that you reserve to that of Her Majesty the right to bring under the notice of the Spanish Government, on a future occasion, the conduct of the commander and crew of the guarda costa upon boarding the "Garibaldi."

I am, &c.
(Signed) STANLEY.

No. 6.

Sir J. Crampton to Lord Stanley.—(Received March 29.)

My Lord,

Madrid, March 25, 1868.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 20th instant, in which I am instructed to make a representation to the Spanish Government upon the subject of the seizure of the Gibraltar schooner "Garibaldi," and I now beg to inclose to your Lordship copy of a note which I have addressed to the Spanish Minister for Foreign Affairs on the subject.

I have &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 6.

Sir J. Crampton to Señor Arrazola.

M. le Ministre,

Madrid, March 21, 1868.

I HAVE the honour to inform your Excellency that the schooner "Garibaldi," belonging to the firm of Garese and Co. of Gibraltar, and commanded by Inocenso Firpo, was on the 17th December, 1867, captured by the Spanish guarda costa "La Viva."

The "Garibaldi" left Gibraltar on the 16th December, with her clearance papers apparently in proper order and having on board a cargo of tobacco destined for Falmouth, as your Excellency will perceive from the accompanying certificate granted to the master of the schooner by the Captain of the Port.

On the 17th of the same month, when, as is alleged in the evidence of the master and crew, at a distance of some 16 or 18 miles from the Spanish shore, she was boarded by an armed force from the guarda costa, who took possession of her and brought her into Cadiz, where she was detained some days and then taken to Huelva.

At the latter port the "Junta Administrativa," under the presidency of Don Rafael Piquera, condemned both vessel and cargo as good prize, the sentence bearing date the 16th January last.

Such are briefly the facts connected with the capture of the "Garibaldi," and I will now proceed to make your Excellency acquainted with the opinion of Her Majesty's Government in respect to this case.

They consider that, if credit is to be given to the master and crew of the vessel, the seizure was effected by the guarda costa in the Gulf of Cadiz, at a distance of more than two leagues from any Spanish land.

The vessel appears to have been at the time of seizure navigating the high seas, on a course not merely far outside the maritime territory of Spain, but also far outside the fiscal zone of two leagues within which vessels with contraband goods on board are forbidden by the municipal law of Spain to navigate, except under certain conditions of necessity.

It seems, therefore, to Her Majesty's Government that the seizure of the "Garibaldi" cannot, as far as the place where she was found is concerned, be defended upon any pleas of necessary precaution on the part of Spain to prevent smuggling, as her own municipal law has fixed the limits of those necessary precautions to a distance of six miles from her coasts, and that much less can it be defended upon any principal of territorial right.

I have consequently been instructed by Her Majesty's Secretary of State for Foreign Affairs to represent to the Government of Her Catholic Majesty that Her Majesty's Government, upon the evidence which has been submitted to them on behalf of the owners of the "Garibaldi," are disposed to regard the seizure as a marine trespass; but that before making any demand for indemnification against the Spanish Government, they are

desirous to be informed upon what evidence and upon what principal of public right the Administrative Board at Huelva has decreed the confiscation of the "Garibaldi" and her cargo.

I have further been instructed by Lord Stanley to state to your Excellency that Her Majesty's Government reserve to themselves the right to bring under the notice of the Spanish Government on a future occasion the conduct of the commander and crew of the guarda costa upon boarding the "Garibaldi."

I avail, &c.

(Signed) JOHN F. CRAMPTON.

No. 7.

Sir J. Crampton to Lord Stanley.—(Received April 30.)

My Lord,

Madrid, April 25, 1868.

WITH reference to my despatch of the 25th ultimo, inclosing copy of a note which I had addressed to the Spanish Minister for Foreign Affairs respecting the seizure of the Gibraltar schooner "Garibaldi," I have now the honour to inform your Lordship that the case has been referred by Señor Arrazola to the Minister of Finance.

I have, &c.

(Signed) JOHN F. CRAMPTON.

No. 8.

Sir J. Crampton to Lord Stanley.—(Received July 3.)

My Lord,

Madrid, June 27, 1868.

WITH reference to my despatch of the 25th March, inclosing copy of a note which, in obedience to the instructions contained in your Lordship's despatch of the 20th March, I had addressed to the Spanish Government respecting the alleged illegal capture by a Spanish revenue cruiser of a vessel under the British flag called the "Garibaldi," I have now the honour to inclose translation of the reply of the Spanish Minister for Foreign Affairs to my communication.

Your Lordship will observe that his Excellency maintains that the capture of the vessel in question was entirely justified for the reasons which he submits to the consideration of Her Majesty's Government.

The principal of these are that the captured parties, when examined before the Administrative Junta at Huelva, were unable to rebut the evidence of the captors which proved the legality of the capture, both as regards its having taken place within Spanish jurisdiction, and as regards the suspicious circumstances respecting the cargo of the vessel, and the conduct of the master and crew, under which it took place.

His Excellency contends that, under these circumstances, there neither was nor could have been any outrage perpetrated on the British flag; and that with respect to the violence and abusive language, asserted by the master of the "Garibaldi" to have been used by the captors, while engaged in the performance of their duty, it belongs to the Spanish tribunals to take cognizance of any such wrong, and to afford redress to the aggrieved party, on proof of its having been committed.

Your Lordship will not fail to remark that it appears that the vessel was commanded by a native of Genoa, and that the crew was composed exclusively of Portuguese and Spaniards, and that she carried a cargo composed of contraband articles.

This case affords a fresh instance in which Her Majesty's Government has been called upon to vindicate the honour of the British flag by serious remonstrances with a foreign Government, when worn by a vessel under strong suspicion of being engaged in smuggling, and which, except her being owned by a British subject or denizen, assuming such fact to be proved, could have no other claim to British nationality.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 8.

The Marquis de Roncali to Sir J. Crampton.

(Translation.)

Sir,

Palace, June 20, 1868.

THE Minister of Finance, to whom I hastened to give information of your Excellency's note of 24th March last, in which you protest in the name of your Government against the capture of the English schooner "Garibaldi," made in the month of December last by the coast-guard vessel "Viva," says in his reply just received, that, according to all the data and information gathered, that capture seems to be entirely justified by the reasons which I shall now have the honour of submitting to the consideration of your Excellency and of the Government which you so worthily represent.

The schooner "Garibaldi" sailed from Gibraltar on 12th December of last year, as appears from the original manifesto inclosed in your Excellency's note, and not on the 16th, as declared by the captain, in order to hide his real intentions.

For four days he lay-to and kept close to the Spanish coast, for the purpose of finding an opportunity for landing the contraband goods which he had on board his vessel.

Having been sighted by the coast-guard vessel "Viva" on the 17th of the aforesaid month, within the maritime jurisdiction in the neighbourhood of Huelva, the English vessel was obliged to take to flight, and hoisted no colours, although invited to do so by some musket-shots from the coast-guard vessel, which had the Spanish colours flying.

It also appears from the investigations made that, after the schooner had been come up with, her captain refused to show the papers accrediting the vessel's nationality, and that, after the ship had been taken to Huelva and had gone through eighteen days' sanitary observation imposed on her at Cadiz on account of the absence of the said papers, all her crew declared before the assembled Administrative Junta that the facts, as related by the captors, were correct, which facts proved the legality of the capture.

The Minister of Finance adds, that the crew of the "Garibaldi" was composed of Portuguese sailors and one Spaniard, all well versed in the coasts of Huelva, which gives rise to a strong suspicion that there was an intention to smuggle; and his Excellency also observes that the truth of the facts set forth did not rest solely on the declaration of the captors, but also on that of the captain and crew of the smuggler, who were personally examined by the Spanish authorities.

In fact, the said authorities have in their possession the log-book handed over to them by Captain Inocenso Firpo, a native of Genoa, and written in Italian, in which it is set down that on 17th December he shaped his course to the north-west for the purpose of examining the coast of Spain, and that, while sailing in that direction, he was sighted and chased by the coast-guard vessel, and, although the said captain protests against the conduct of the master of the revenue cutter "Viva," saying that he used bad language to him, he does not say that the schooner was boarded on the high seas.

By the above account, which can be corroborated by copies of the official documents, your Excellency will understand the real circumstances which took place as to the capture of the "Garibaldi," and the incorrectness of the information communicated to Her Britannic Majesty's Government.

It is my duty to add that, in this matter, there has not been, nor could there have been, any outrage on the British flag, and that all that has taken place has been done solely in the exercise of a legitimate right by the coast-guard charged with the suppression of smuggling in Spanish waters; and that if, during the capture, any of the abuses which Captain Firpo mentions in his protest were committed, your Excellency and your Government cannot but admit that it belongs to the Spanish tribunals to take cognizance of the same, both on account of the place where they were committed, and of the nationality and profession of the culprit. To those tribunals the aggrieved party must apply for redress of the injury which he may have suffered.

I avail, &c.

(Signed)

THE MARQUIS OF RONCALI.

No. 9.

Mr. Elliot to Mr. Hammond.—(Received July 28.)

Sir,

Downing Street, July 27, 1868.

WITH reference to the seizure by a Spanish guarda costa of the Gibraltar vessel "Garibaldi," on the 17th December, 1867, I am directed by the Duke of Buckingham

and Chandos to transmit to you, for the information of Lord Stanley, a copy of a despatch from the Governor of Gibraltar, with a copy of a letter from the Captain of the Port, supplying some further information in regard to the circumstances connected with the case.

I am, &c.
(Signed) T. FREDK. ELLIOT.

Inclosure 1 in No. 9.

Governor Sir R. Airey to the Duke of Buckingham and Chandos.

My Lord Duke, *Gibraltar, April 18, 1868.*

I HAVE the honour to acknowledge the receipt of your Grace's despatch of the 3rd instant, directing me to furnish your Grace with any information which I might be able to procure on certain points connected with the seizure of the "Garibaldi" by a Spanish guarda costa on the 17th December, 1867.

2. I transmit copy of a letter from the Captain of the Port, who states that he has assembled the master and five of the crew with a view of obtaining further information, and that they agree that they were made by the captain of the guarda costa to sign a written document, the contents of which were unknown to them. That this document was afterwards read to them in Spanish, which three of them did not understand at all, and the other two very imperfectly, as they were all Portuguese. The two latter believe that it was stated that the "Garibaldi" when captured was only a mile, or a mile and a-half, from shore, and they mentioned at the time that some parts were not true.

3. The owner of the vessel has requested that the depositions of the five men, which were taken at Gibraltar on the 28th January last, before a notary public, may be forwarded, and they are therefore transmitted.

4. The Captain of the Port appears to think that there was nothing to implicate the "Garibaldi" as being engaged in a smuggling transaction from her position when captured; but, at the same time, he properly mentions a fact that has just come to his knowledge, viz., that this same vessel cleared from this port for Falmouth on the 28th November last, laden with a cargo of tobacco, and returned in ballast on the 2nd December, having discharged and returned within four days.

5. It is, therefore, more than probable that the "Garibaldi's" destination was not Falmouth, but that, according to the usual practice, she was to meet by appointment a Spanish or Portuguese vessel, as the case might be, on the open sea, into which to transfer her cargo.

6. The tobacco in question might as well have been intended to be smuggled into Portugal by a Portuguese vessel as by a Spanish vessel into Spain. I believe in scarcely any instance does a British vessel attempt to run goods on shore herself, such a course being too dangerous.

I have, &c.
(Signed) RICHARD AIREY.

Inclosure 2 in No. 9.

The Captain of the Port to Mr. Freeling.

Sir, *Port Office, Gibraltar, April 5, 1868.*

I HAVE the honour to acknowledge the receipt of your letter, dated 11th instant, inclosing the copy of a despatch from the Secretary of State, and requesting, by direction of His Excellency the Governor, any further information I am able to procure on the points commented on in that despatch.

2. I have since assembled the master and five of the crew of the "Garibaldi" at this office, with a view of obtaining further information, and to find out if possible what was the purport of the document they signed before the Spanish authorities at Cadiz. The crew agree in stating that, after their quarantine was over at Cadiz, they were sent for separately by the commander of the guarda costa, and that each was made to sign a written document, the contents of which were unknown to them. That this document was afterwards read to them in Spanish, which three of them did not understand at all, and the other two very imperfectly, as they were all Portuguese. The two latter believe it stated that the "Garibaldi" when captured was only a mile, or a mile and a-half, from

the shore. They also say that they mentioned at the time that some parts of it were not true.

3. At the request of the owner of this vessel, I beg to forward herewith depositions from these five men, which were taken at Gibraltar on the 28th January last, before a notary public. They give further information concerning the declarations in the possession of the Spanish authorities.

4. With respect to the "Garibaldi" being out of the course of vessels sailing from Gibraltar to England, the master states that he intended to make Cape St. Mary, but that he kept to windward of the direct course on account of the direction of the wind, which was north-east, and because he thought it was the best way of making the voyage. Assuming that the wind had been north-east (as he stated in his former deposition before me), and that the vessel was actually in the position he states, and from sixteen to eighteen miles off shore when captured, I think there would be little or nothing to implicate her on that point if it were unattended by other suspicious circumstances, because a small sailing vessel without a chronometer would naturally keep hold of the land, and keep to windward, in case of the wind heading her off, by driving more to the northward.

5. I think it right, however, to mention here what has come to my knowledge since receiving your letter; namely, that this same vessel cleared from this port for Falmouth on the 28th November last laden with a cargo of tobacco, and returned here in ballast on the 2nd December, having thus discharged her cargo and returned within the period of four days from the time of her departure.

6. With reference to the passenger, who was a Spaniard, named Manuel Gomez Garcia, the master states that he disembarked when they were at Huelva, and that he has not since seen or heard of him.

7. I find also that the passenger signed the same document before the Spanish authorities that the crew did.

I have, &c.
(Signed) A. C. STRODE.

Inclosure 3 in No. 9.

Depositions.

ON this day, the 25th January, 1868, before me, James John Lugaro, notary public by Royal authority, duly admitted and sworn, domiciled and practising in Gibraltar, appeared Rosiendo Sacramento, seaman, and declared as follows:—

I am Portuguese. I am mate of the British pilot-boat called the "Garibaldi," belonging to the port of Gibraltar, of which vessel Inocenso Firpo is master. We sailed from Gibraltar on or about the 15th or 16th December, 1867, bound for Falmouth, with a cargo of tobacco. When we sailed the wind was blowing from the east, and so continued for about twenty-four hours, which took us to about the latitude of the river of Seville; it then became calm and variable. On the day after we left a Spanish revenue-boat boarded us; we then were about sixteen miles from land (the Huelva coast). When we first saw her she was at a great distance, and we could only distinguish a vessel making towards us, but we could not make out what sort of a vessel it was. When she neared us she fired on us, at first without shot, and afterwards with shot; we then lay-to. They then boarded us, and we made out that she was a Spanish revenue-boat. The commander and part of her crew came on board of us, arms in hand—some had pistols, others had swords: from all appearances they were intoxicated. They drove us all, except the master, Inocenso Firpo, and a seaman, down into the forehatch of the "Garibaldi;" they afterwards ordered us to return on deck, and we were sent on board the revenue-boat: Captain Firpo and the seaman were already there. When the crew of the revenue-boat first came on board the "Garibaldi," and at the time we were sent down into the forehatch, I saw some mariners of the revenue-boat go up the mizen-mast of the "Garibaldi," and lower the English flag which was there flying. When we went on board the revenue-boat we were sent into the hold, and sentries were posted to prevent our getting out. In the evening of the same day we anchored off the Cartaya Bar; the commander of the revenue-boat then, for the first time, asked Captain Firpo for the "Garibaldi's" papers, and the captain answering that they were on board the "Garibaldi" he was ordered to go for them. He went and returned without them: he told the commander of the revenue-boat that the papers were not where he had left them, that they must have been taken away;

on which the commander of the revenue-boat sent one of his crew for a pistol to shoot Captain Firpo, as he said. We were afterwards taken into Cadiz Bay, where we were made to perform fifteen days' quarantine. Whilst we were in quarantine the commander called us, presented a written paper to me, asked my name, and made me make the sign of the Cross on the paper, without reading it to me or telling me anything about its contents. When we were admitted to pratique we were taken on shore to give our declarations before the authorities at Cadiz. I was asked whether the contents of the paper to which I had set my Cross, and which was then read to me, were true; I answered that part was true and part false, and I was answered that they would see to that. When the aforesaid paper was read to me I made out that I had been made to state that we had been taken in two fathoms of water—that I had been engaged to go to Falmouth, instead of which I had been deceived and taken to discharge contraband. We were then taken on board again, and from Cadiz we were taken to Huelva. There we were again taken on shore to make declarations before the authorities: the same paper was again read to us. I repeated what I had said at Cadiz, that part of the contents was true and part false; we were then let free. I heard the captain at Cadiz ask the authorities to be allowed to have the English Consul present, and they answered that we had no Consul, and that they did not want to know anything about the Consul. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty King William IV, intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the Abolition of Unnecessary Oaths.'" In testimony whereof the said Rosiendo Sacramento has hereunto made the sign of the Cross as his mark, being unable to write, and I, the said notary, have subscribed my name and affixed my seal of office, the aforesaid 25th January, 1868.

(Signed) ROSIENDO SACRAMENTO, his  mark.

Quod attestor.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

These are to certify that the foregoing is a true and faithful copy of the original declaration made by Rosiendo Sacramento, mate of the British pilot-boat "Garibaldi," Inocenso Firpo, master, before me, the said notary, the day and year aforesaid, by me carefully compared therewith. In testimony whereof I have hereunto set my hand and affixed my seal of office this 16th day of April, 1868.

Quod attestor.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

ON this day the 25th January, 1868, before me, James John Lugaro, notary public by Royal authority, duly admitted and sworn, domiciled and practising in Gibraltar, appeared José Ferreira, seaman, and declared as follows:—I am seaman of the British pilot-boat "Garibaldi," of which Inocenso Firpo is master. Sailed from Gibraltar on or about the 15th December, 1867, bound for Falmouth, with a cargo of tobacco. When we sailed, the wind was blowing from the east. The east wind continued till we were about two leagues past Cadiz, to the westward; it then clouded, and the wind became variable, and we could not proceed. We remained in calm on this side of Huelva, about sixteen miles out at sea. The day after we left Gibraltar, in the morning we observed a small craft making towards us. We could not distinguish her colours. A while afterwards we observed she was firing, and when she came nearer to us she fired a shot. Our captain, on seeing this, ordered us to lay-to, and hoist our colours. The unknown vessel then boarded us, and we then made out that she was a Spanish Government boat. The captain of the Spanish vessel, and part of her crew, then came on board, with pistols and swords in their hands. The commander of the Spanish vessel caught hold of our captain, and detained him, putting his pistol to our captain's face three several times; and at the same time the men of the Spanish boat shoved our crew down into the forehatch of our vessel, pushing them down, and striking one on his back with the blade of a sword. When the men were down, they closed the hatch, securing the cover with chains. I was all the time at the helm of the "Garibaldi," and, with the captain, remained on deck. The crew of the Spanish vessel then opened the hold of the "Garibaldi," and went down. The captain of the Spanish vessel then made me and

Captain Firpo go down into the cabin of the "Garibaldi," and wanted to shut us up there, but did not do so, because Captain Firpo asked him to allow him some air to breathe. He then told Captain Firpo and myself to come up; and when we were on deck, he knocked Captain Firpo against the bulwarks of the "Garibaldi." He then gave me a push, which threw me flat on deck; and as I went to pick up my cap, which had fallen off my head, the captain of the Spanish vessel took a pistol from his waist-belt, and aimed at me. I and Captain Firpo were afterwards taken on board the Spanish boat, and were put down into the hold. They then brought the rest of our crew, and put them down into the hold with us; they closed one of the hatches, and placed sentries at the other. We were kept in the hold the whole day. In the evening we anchored off Cartaya Bar. I know the place where we were anchored, because I asked leave to go to the water-closet, and it was granted me; and when I was on deck I could see where we were anchored. A seaman of the Spanish vessel accompanied me to the water-closet and back. Whilst we were anchored, the commander of the Spanish vessel called Captain Firpo on deck, together with myself and the rest of the crew of the "Garibaldi;" it was very late. We had already fallen asleep. The commander of the Spanish vessel was on deck; and when we were before him he asked Captain Firpo for the "Garibaldi's" papers. This was the first time I heard him ask for them. Captain Firpo answered that they were on board the "Garibaldi," on which the commander of the Spanish vessel began to shout, telling Captain Firpo that he had deceived us; and Captain Firpo telling him something in answer, he ordered him to keep silent, and sent a seaman of his vessel for a pistol with which he threatened Captain Firpo, and told him that he would be put in prison. We were then again put into the hold. The next morning they took us to Cadiz—always in the hold. The day after we arrived in Cadiz the captain was ordered to go on board the "Garibaldi." We were made to perform about fifteen days' quarantine—the captain on board the "Garibaldi," and myself and the rest of the crew on board the Spanish vessel. We were all full of filth, and our clothes dirty, and we were not permitted to go on board the "Garibaldi" to change our clothes. We were afterwards brought on board the "Garibaldi," and I then found several things missing. After we had performed quarantine, I and the rest of the crew of the "Garibaldi" were called into the cabin, where the commander of the Spanish vessel was, and we were made to sign a paper. It was not read to us, and we did not know its contents. We were afterwards taken on shore at Cadiz to declare before the authorities; there the papers we had signed were read to us. I could not understand what the paper contained. Captain Firpo asked whether those were the declarations they had taken, and they answered—Yes. He then said, that unless his (meaning the British) Consul was present he would make no declaration. They answered, that he had no such thing as a Consul. Captain Firpo was again asked for his papers; and he answered, that they had been taken from him. Whereupon he was ordered to be silent. Captain Firpo was afterwards taken on board the "Garibaldi," and myself and the rest of the crew were taken on board the Spanish boat, which I knew was the "Viva." On the following Monday we were all taken to Huelva. On arriving at Huelva we were again taken on shore to make declarations before the Spanish authorities. The same paper was read to us. We made several observations, but no attention was paid us. A strict watch was continually kept on us. We were not allowed to communicate with Captain Firpo. We were twice taken before the authorities at Huelva to make declarations; the second time we were set at liberty. And I make this solemn declaration, conscientiously believing the same to be true; and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty King William IV, intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the Abolition of Unnecessary Oaths.'" In testimony whereof the said José Ferreira has hereunto set his hand, and I, the said notary, have hereunto subscribed my name, and affixed my accustomed seal of office, the 25th day of January, 1868.

(Signed) JOSE FERREIRA.

Quod attestor.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

These are to certify that the foregoing is a true and faithful copy of the original declaration of José Ferreira, seaman of the British pilot-boat "Garibaldi," Inocenzo Firpo, master, made before me, the said notary, on the day and year aforesaid, by me

carefully compared therewith. In testimony whereof I have hercunto set my hand, and affixed my seal of office, this 17th day of April, 1868.

Quod attestor.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

ON this day, the 25th of January, 1868, before me, James John Lugaro, notary public by Royal authority, duly admitted and sworn, domiciled and practising in Gibraltar, appeared Francisco Rosa, seaman, and declared as follows:—

I am seaman of the British pilot-boat "Garibaldi," Inocenso Firpo (nino), master. Left Gibraltar about the middle of December, 1867, with a cargo of tobacco, bound for Falmouth. Sailed with east wind, which continued until we were past Cadiz; it then became calm, and we proceeded with calms and very variable head winds, making scarcely any way until we were captured the day after we left Gibraltar. On the morning of the day we were captured I had been released from my watch at 8 A.M. and had gone to rest, when, at about 10 A.M., I was called by the cook. On coming on deck, I saw the vessel that captured us a short distance from us. I saw her fire twice without shot, and once with shot. She was then near to us. When the captain saw that she was firing shot, he ordered us to lay-to. When the vessel that captured us began to fire the captain ordered the British flag to be hoisted. We were boarded, and then I saw that the vessel was a Spanish revenue-boat. When they came alongside the captain told them not to come on board, or they would stand to the consequences; but no attention was paid, and the commander and about seven men came on board the "Garibaldi." One of the men detained the captain, with his carbine with bayonet fixed. We were put down into the forehatch of the "Garibaldi" and there shut up. Awhile afterwards we were taken from thence and sent on board the revenue-boat. The captain of the "Garibaldi" was already there. We were put into the hold of the Spanish vessel; they closed one of the hatchways. We then proceeded, and in the evening anchored off Cartaya Bar. About 7 or 8 P.M. Captain Firpo was called on deck, and afterwards myself and the rest of the crew. Captain Firpo was asked for the ship's papers; he answered that they were in the "Garibaldi's" cabin, and he was ordered to go and fetch them. He went and returned without them, saying that he could not find them where he had left them; that they must have been taken thence by somebody. The commander then asked us if we had seen any papers. We all answered that we had been enrolled at the Port Office at Gibraltar for Falmouth, and that, therefore, the vessel must have had papers, otherwise she would not have left Gibraltar. The commander then said that we had been deceived by the captain and promised to set us at liberty, and threatened Captain Firpo to keep him in prison. We were then again sent down into the hold, and the next morning sailed for Cadiz. We arrived at Cadiz very early in the morning of the day after we left Cartaya Bar. We were placed in quarantine for fifteen days. When the health-officer came on board Captain Firpo was sent on board the "Garibaldi" for his papers, and he was kept there. He did not return to the revenue-boat. We were kept on board the revenue-boat, and were not even allowed to change our clothes. Our clothes were afterwards brought to us, when we found several things missing, as likewise a quantity of wool from the mattresses. After we had performed quarantine, we were called into the cabin, where the commander was by himself, and he ordered us to sign a paper. I set my mark, not knowing how to write. Without the paper being read or explained to us, we were made to sign it. One or two days after we were taken on shore before the authorities to make declarations. The paper we had been made to sign was then read to us. Being in the Spanish language I could understand some things, others I could not. Many things which I remarked were not true were allowed to remain, and no attention was paid to me. Captain Firpo asked for the presence of the British Consul, and he was answered that the Consul was of no use there, or something to that effect. We were afterwards again taken on board the revenue-boat, and on the following Monday conveyed to Huelva. There we were taken on shore to give declarations before the authorities. We were twice taken on shore. The same paper which we had signed, and which had been read to us at Cadiz, was again read to us at Huelva. The captain again asked for the presence of the British Consul, and the same answer was given him—that the Consul was of no use. We were then set at liberty.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty King William IV, intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of Voluntary and Extrajudicial

Oaths and Affidavits, and to make other provisions for the Abolition of Unnecessary Oaths.' "

In testimony whereof the said Francisco Rosa has hereunto set his mark, and I, the said notary, have subscribed my name and affixed my seal of office, the aforesaid 25th day of January, 1868.

(Signed) FRANCISCO ROSA, his $\bowtie$ mark.

Quod attestor.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

These are to certify that the foregoing is a true and faithful copy of the original declaration made by Francisco Rosa, seaman of the British pilot-boat "Garibaldi," Inocenso Firpo, master, before me, the said notary, on the day and year aforesaid, by me carefully compared therewith.

In testimony whereof I have hereunto set my hand and affixed my seal, this 17th day of April, 1868.

Quod attestor.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

ON this day, the 27th January, 1868, before me, James John Lugaro, notary public by Royal authority, duly admitted and sworn, domiciled and practising in Gibraltar, personally appeared Francisco Feraongo, seaman, and declared as follows :—

I am cook and cabin-boy of the British pilot-boat "Garibaldi," Inocenso Firpo (nino), master, of Gibraltar. I am Portuguese. Sailed from Gibraltar in the month of December last; cannot remember the day—it was about the middle of the month—it was late in the day when we sailed. We ran with the east wind until the following day. The wind changed when we were between Cadiz and Seville; it became calm and variable, which allowed us to make very little way. The day after we left Gibraltar, in the morning about 10 A.M., being between fifteen and sixteen miles out at sea, we descried a craft at a great distance. She fired three guns, two without shot and one with shot; at the first gun the captain ordered the British flag to be hoisted—the mate hoisted it. About an hour and a-half after we descried her, she overtook us. Having manned oars they boarded us, and when she was alongside of us I made out that she was a Spanish revenue-boat. On boarding us the commander and crew came on board of us. From their appearance and behaviour I believe that they were tipsy. On jumping on board of us the crew shoved us down into the forehatch, closing the hatchway, and securing it with chains—I heard the clinking of the chains;—at the same time the commander shut the captain and the helmsman in the cabin. The commander had a pistol, and of the men some had pistols, others carbines and bayonets, and others swords. The British ensign was hoisted at the mainmast of the "Garibaldi" when we were shut up in the forehatch. About a quarter of an hour after we were taken out, to take us on board the revenue-boat, as I was walking a push was given me by one of the men of the revenue-boat which nearly threw me overboard. I was then caught and put into the hold of the revenue-boat, together with the rest of the crew of the "Garibaldi;"—our captain and the helmsman were already there. They then, after about two hours, called the captain and the whole of us on deck: it was late in the evening, about 7 or 8 P.M. When on deck I could distinguish that we were anchored near the land. The commander of the revenue-boat asked our captain for his papers: I heard him ask—I had not heard him ask before. The captain answered that the papers were on board the "Garibaldi"; the commander ordered him to go and fetch them; the captain went. When he returned he told the commander of the revenue-boat that the papers had been taken from where he had left them, and that some of the crew of the revenue-boat had taken them. After some altercation between the captain and the commander, the commander called out for a pistol, saying, he wanted to kill our captain. We were then sent down into the hold again, the captain remaining on deck with the commander. We were afterwards taken to Cadiz. We were placed in quarantine at Cadiz for thirteen or fourteen days; the captain was kept on board the "Garibaldi" to perform quarantine, and we were made to perform it on board the revenue-boat. One day the commander called us astern of the revenue-boat, and asked us our names in succession, making us respectively set our marks to a written document. This paper was not read or explained to us, so that I did not know what I was signing. After quarantine was over, we were taken on shore to make declarations before the authorities; there they read to us the paper we had been made to sign. I do not know the contents of the paper: I could not understand it when read to us—it was

written in Spanish and it was not interpreted to us. Our captain asked whether those were the declarations they took, and they answered—Yes. Our captain replied that he considered them of no use, and that he would so consider everything while the British Consul was not present. The captain was again asked for his papers and ordered to deliver them up. He answered that the commander of the revenue-boat had them—that they had been taken from his cabin; they replied, that they had no such papers, and that as to the Consul there was none there. We were afterwards sent on board the revenue-boat, and the captain on board the “Garibaldi.” From Cadiz we were taken to Huelva. There we were again taken before the authorities twice to make declarations. The same paper which had been read to us at Cadiz was read to us at Huelva. The captain made the same remark as to the presence of his Consul which he had made at Cadiz, but no attention was paid. The Consul was not present on either occasion; he only arrived when everything was over the second time. We were then let free. I was robbed of the greater part of my clothes. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty King William IV, intituled, “An Act to repeal an Act of the present Session of Parliament, intituled ‘An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of Voluntary and Extrajudicial Oaths and Affidavits, and to make other provisions for the Abolition of Unnecessary Oaths.’” In testimony whereof the said Francisco Feraongo has hereunto set his mark, being unable to write, and I, the said notary, have subscribed my name and affixed my seal of office, the aforesaid 27th day of January, 1868.

(Signed) FRANCISCO FERAONGE, his  mark.

Quod attestor.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

These are to certify that the foregoing is a true and faithful copy of the original declaration made by Francisco Fernongo, cook and cabin-boy of the British pilot-boat “Garibaldi,” Inocenso Firpo, master, before me, the said notary, on the day and year aforesaid—by me carefully compared therewith. In testimony whereof I have here unto subscribed my name, and affixed my accustomed seal of office, this 16th day of April, 1868.

Quod attestor.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

ON the 28th day of January, 1868, before me, James John Lugaro, notary public by Royal authority, duly admitted and sworn, domiciled and practising in Gibraltar, appeared José Maria, seaman, and declared as follows:—I am seaman of the British pilot-boat “Garibaldi,” of Gibraltar, Inocenso Firpo (nino), master. I do not remember the day we left Gibraltar. I believe it was on the morning of the 16th December that we were captured. We had left in the evening of the preceding day. We were bound for Falmouth. I do not know what cargo we had. I believe it was tobacco. We sailed with east wind. It continued until the following day, when we were captured. It was then calm and variable, not allowing the vessel to proceed. We were far from land. I believe we were from 14 to 16 miles at sea. We were past Cadiz to the west. On the morning we were captured I was called on deck by the captain, about 10 A.M., and when on deck I saw a small vessel at some distance. Her flag could not be distinguished—none was seen hoisted. She fired on us three times—twice without shot and once with shot. When I came on deck, the British ensign was being hoisted on board the “Garibaldi.” When the shot was fired, the English flag was already hoisted. A short time after firing the last gun, they boarded us. The commander and crew of the said vessel jumped on board the “Garibaldi.” When the vessel came alongside she had the Spanish Government flag hoisted. The commander and crew of the said vessel, which was a Spanish revenue cutter, came on board of us, arms in hand, and ran astern where the captain was, wanting to strike him. They then came to us and pushed us down into the forehatch, and closed the hatchway with a piece of chain. The captain and one seaman were put into the cabin. After a while we were taken on board the cutter. The captain and the seamen were already there. They sent us all down into the hold of the cutter and closed the hatchway. They then directed their course for Torron (Cartaya) Bar. In the evening, very late, they called the captain, and afterwards they called me and the

rest of the crew. When we were on deck, the commander of the revenue-cutter asked the captain for the "Garibaldi's" papers. The captain answered he had them on board in the cabin. The commander ordered him to go for them. The captain went. He returned, saying he could not find them. The commander wanted our captain by all means to give him the papers, and the captain told him that either he or some of his crew had taken them from where he had them, on which the commander asked for a pistol. We were afterwards again put into the hold of the cutter. They afterwards took us to Cadiz, and there we were made to undergo fifteen days' quarantine. Both vessels performed quarantine. They made the captain remain on board the "Garibaldi," and kept us on board the cutter. They did not even allow us to go for our clothes. When we had performed quarantine, the commander called us into his cabin, and asked our names and our destination. He then took a written paper which he had before him, and made us sign it. He did not read or explain the paper to us. I believe it was on the following day that we were taken on shore before the authorities to give evidence. They then read to us the paper we had been made to sign, and a great deal more. The captain demanded the presence of his Consul. We were then sent on board again. On Sunday we were taken on shore to hear mass. They accompanied us. We afterwards returned on board. The captain was sent on board the "Garibaldi," and myself and the rest of the crew were sent on board the cutter. We were afterwards taken to Huelva, and again taken before the authorities. We were twice taken before the authorities at Huelva. The same paper which had been read to us at Cadiz was read to us at Huelva. The captain again asked for his Consul's presence. They answered that they did not know his Consul. The Consul was not present on either occasion. When the paper was read to us, one of the seamen remarked that we could not understand what they were reading, and they paid no attention. We were then set free. We remained at Huelva until we were sent to Cadiz by the Consul. I could understand very little of what the paper read to us contained. I am Portuguese. It was not interpreted to us. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty King William IV, intituled—"An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of Voluntary and Extrajudicial Oaths and Affidavits, and to make other provisions for the Abolition of Unnecessary Oaths.'" In testimony whereof, the said José Maria has hereunto set his mark, not knowing how to write, and I, the said notary, have hereunto subscribed my name and affixed my seal of office, the aforesaid 28th day of January, 1868.

(Signed) JOSE MARIA, his X mark.

In testimonium veritatis.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

These are to certify that the foregoing is a true and faithful copy of the original declaration made by José Maria, seaman of the British pilot-boat "Garibaldi," Inocenso Firpo, master, before me, the said notary, the day and year aforesaid, by me carefully compared therewith. In testimony whereof I have hereunto set my hand and affixed my seal of office, this 16th day of April, 1868.

Quod attestor.

(Signed) JAMES J. LUGARO, *Notary Public, Gibraltar.*

No. 10.

Lord Stanley to Sir J. Crampton.

Sir,

Foreign Office, July 29, 1868.

I HAVE had under my consideration, and I have communicated to the proper Law Adviser of the Crown, your despatch of the 27th ultimo, which incloses a copy of a letter from the Spanish Minister for Foreign Affairs, stating the grounds upon which the Spanish Government consider the capture of the Gibraltar vessel the "Garibaldi" to have been a legal one.

I have now to state to you that it appears, from the despatch of the Marquis de Roncali, that the evidence upon which the "Garibaldi" was condemned by the Spanish

authorities conflicts in important particulars with the depositions made by the master and crew of that vessel before the British authorities at Huelva and Cadiz after the condemnation of the vessel.

Upon the evidence which the Spanish Minister reports to have been given before the Junta Administrativa at Huelva by the crew of the coastguard vessel, coupled with the evidence of the log-book, and of the master and crew of the "Garibaldi," who were personally examined by the Spanish authorities, it would be difficult to contend that the seizure and condemnation of the "Garibaldi" may not have been justifiable under the Spanish Revenue Law. It is stated, however, by Consul Dunlop, in his despatch of the 22nd January last to the Colonial Secretary at Gibraltar, a copy of which was inclosed in your despatch of the 26th of that month, that he had ascertained, upon cross-examining the master and crew of the "Garibaldi," that threats were used to obtain such evidence.

The case, however, does not rest alone upon oral evidence. There are certain points upon which the crew of the coastguard vessel and of the "Garibaldi" are at issue, and in regard to which the entries in the log-book of the "Garibaldi" may be of service in determining to which side credit ought to be given.

The Spanish Minister justly calls attention to the fact of the statement of the master of the "Garibaldi"—"that he sailed from Gibraltar on the 16th December," being contradicted by the ship's manifesto, which shows that the "Garibaldi" cleared from Gibraltar on the 12th December, which latter circumstance is confirmed by the certificate of the Captain of the Port of Gibraltar of 31st December, 1867, which forms inclosure No. 5 in your despatch of the 26th January last. The log-book of the "Garibaldi" ought to throw valuable light upon this interval of time, respecting which the captain and crew of the "Gibraltar" are totally silent in their depositions.

If it is true, as stated in the Marquis de Roncali's despatch, that the "Garibaldi" lay-to during those four days, and kept close to the Spanish coast, such a fact would probably be noted in the log-book, and would be of the greatest importance as confirmatory of the suggested intention of the captain to take advantage of an opportunity to land contraband goods on the Spanish coast.

There is also an important discrepancy in the statements on either side, as to the conduct of the "Garibaldi" when the coastguard vessel fired a signal for her to bring-to, which the log-book may assist to clear up.

The Spaniards say that the "Garibaldi" when sighted by the coastguard vessel took to flight, and hoisted no colours, although invited to do so by some musket-shots from the guarda costa.

The master of the "Garibaldi," in his first statement made on the 21st December, 1867, to Mr. Dunlop, is silent on the subject of his hoisting any colours, and it is not, apparently, until after the master and crew had been examined by the Spanish authorities at Huelva, and had been liberated, that mention of British colours having been hoisted was for the first time made by the master, in his protest on the 14th January, 1868, declared before the British Vice-Consul at Huelva.

As the Marquis de Roncali refers to the log-book of the "Garibaldi," and other official documents in the possession of the Spanish authorities, as corroborating the Spanish account of the seizure of the "Garibaldi," and showing the incorrectness of the information which has been communicated to Her Majesty's Government, I have to instruct you to state to his Excellency that it would prove very satisfactory to Her Majesty's Government if the Spanish Government would furnish them with copies of the log-book and the official documents alluded to by his Excellency.

I am, &c.
(Signed) STANLEY.

No. 11.

Mr. Egerton to Mr. Elliot.

Sir,

Foreign Office, July 31, 1868.

WITH reference to your letter of the 27th instant, I am directed by Lord Stanley to transmit to you, for the information of the Duke of Buckingham and Chandos, a copy of an instruction which his Lordship has addressed to Her Majesty's Minister at Madrid,

No. 10.

E 2

on the subject of the capture by a Spanish guarda costa of the Gibraltar vessel "Garibaldi."

I am, &c.
(Signed) E. C. EGERTON.

No. 12.

Sir J. Crampton to Lord Stanley.—(Received August 13.)

My Lord,

San Ildefonso, August 7, 1868.

I HAVE the honour to inclose, herewith, the copy of a note which, in conformity with the instructions contained in your Excellency's despatch of the 29th ultimo, I have addressed to the Spanish Minister for Foreign Affairs, calling his Excellency's attention to certain discrepancies in the evidence on either side in the case of the "Garibaldi," and expressing the wish of Her Majesty's Government to be furnished with a copy of the log-book, and other documents throwing light on the circumstances attending the capture of that vessel, which his Excellency has stated to be in the possession of the Spanish authorities.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 12.

Sir J. Crampton to the Marquis de Roncali.

M. le Ministre,

San Ildefonso, August 7, 1868.

I DID not fail to transmit to Her Majesty's Government a copy of the note which your Excellency did me the honour of addressing to me on the 20th June last, stating the grounds upon which Her Catholic Majesty's Government consider the capture of the Gibraltar vessel "Garibaldi" to have been a legal one.

I am now instructed to observe to your Excellency that Her Majesty's Government, after having communicated with the proper Law Officers of the Crown, are of opinion that the evidence upon which the "Garibaldi" was condemned by the Spanish authorities, conflicts in important particulars with the depositions made by the master and crew of that vessel before the British authorities at Huelva and Cadiz after the condemnation of the vessel.

Upon the evidence which is stated to have been given before the "Junta Administrativa" at Huelva, by the crew of the coastguard vessel, coupled with the evidence of the log-book and of the master and crew of the "Garibaldi," who were personally examined by the Spanish authorities, Her Majesty's Government admitted that it would be difficult to contend that the seizure and the condemnation of the "Garibaldi" may not have been justifiable under the Spanish Revenue Law. It has been stated however to Her Majesty's Government by Mr. Dunlop, Her Majesty's Consul at Cadiz, that he had ascertained, upon cross-examining the master and crew of the "Garibaldi," that threats were used to obtain such evidence.

The case, however, it appears to Her Majesty's Government, does not rest alone on oral evidence. There are certain points upon which the crews of the coastguard vessel and the "Garibaldi" are at issue, and in regard to which the entries in the log-book of the "Garibaldi" may be of service in determining to which side credit ought to be given.

Your Excellency, Her Majesty's Government are of opinion, justly calls attention to the fact of the statement of the master of the "Garibaldi"—that he sailed from Gibraltar on the 16th December, being contradicted by the ship's manifesto, which shows that the "Garibaldi" cleared from Gibraltar on the 12th December, which latter circumstance is confirmed by the certificate of the Captain of the Port of Gibraltar of 31st December, 1867. The log-book of the "Garibaldi" ought to throw valuable light upon this interval of time, respecting which the captain and crew of the "Garibaldi" are totally silent in their depositions.

If it is true that the "Garibaldi" lay-to during those four days, and kept close to the Spanish coast, such a fact would, Her Majesty's Government thinks, probably be noted in the log-book, and would be of the greatest importance as confirmatory of

the suggested intention of the captain to take advantage of an opportunity to land contraband goods on the Spanish coast.

There is also, Her Majesty's Government remark, an important discrepancy in the statements on either side as to the conduct of the "Garibaldi" when the coastguard vessel fired a signal for her to bring-to, which the log-book may assist to clear up.

The Spanish deponents say that the "Garibaldi," when sighted by the coastguard vessel, took to flight, and hoisted no colours, although invited to do so by some musket-shots from the guarda costa.

The master of the "Garibaldi," Her Majesty's Government observe, in his first statement, made on the 21st December, 1867, to Mr. Dunlop, is silent on the subject of his hoisting any colours; and it is not, apparently, until after the master and crew had been examined by the Spanish authorities at Huelva, and had been liberated, that mention of British colours having been hoisted was, for the first time, made by the master in his protest on the 14th January, 1868, declared before the British Vice-Consul at Huelva.

As your Excellency refers in your above-mentioned note to the log-book of the "Garibaldi," and other official documents in the possession of the Spanish authorities, as corroborating the account given by them of the seizure of the "Garibaldi," and showing the incorrectness of the information which has been communicated to Her Majesty's Government, Lord Stanley has instructed me to state that it would prove very satisfactory to Her Majesty's Government if Her Catholic Majesty's Government would furnish them with copies of the log-book, and the official documents to which your Excellency has alluded.

I avail, &c.

(Signed) JOHN F. CRAMPTON.

No. 13.

Sir J. Crampton to Lord Stanley.—(Received November 16.)

My Lord,

Madrid, November 11, 1868.

WITH reference to my despatch of the 7th of August last, inclosing copy of a note which I had addressed to the Spanish Minister for Foreign Affairs, asking for a copy of the log-book of the "Garibaldi," and of other documents throwing light on the circumstances which attended the capture of that vessel, I have now the honour to inclose translation of a note which I have received from Señor Lorenzana, transmitting to me copies of the "Statement of Capture," the "Record of the Proceedings of the Junta Administrativa," and the log-book, translations of which I have the honour to inclose.

The best translation possible has been made of the last-named document, which by its many errors is rendered difficult to understand.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure 1 in No. 13.

Señor Lorenzana to Sir J. Crampton.

(Translation.)
(Confidential.)

Sir,

Madrid, October 21, 1868.

THE Minister of Finance, to whom was communicated the note from your Legation, dated 7th August last, concerning the capture of the English schooner "Garibaldi" by the Spanish guarda costa "Viva," transmitted to this Ministry on 23rd September last the statement drawn up concerning the capture of the said vessel, the sentence of the Junta Administrativa of Huelva, and the log-book, written in Italian, handed over by the captain of the "Garibaldi" at the time of the capture.

And, with a view to dissipate the doubts which the British Government may have formed as to whether there is a contradiction between the declaration of the captain and crew of the said vessel, made before the English authorities at Cadiz, and the facts alleged by the captors, which served as the basis for the solution of this matter, I have

the honour to inclose to your Excellency herewith copies of the said documents for transmission to Her Britannic Majesty's Government.

I avail, &c.

(Signed) JUAN ALVAREZ DE LORENZANA.

Inclosure 2 in No. 13.

Statement of Capture.

(Translation.)

ON board the revenue-boat "Viva," in the Bay of Cadiz, on 31st December, 1867, we, Francisco Barbosa, master; Juan Parra, mate; and Manuel Mazo, able seaman, declare:—That, being in the execution of our duty on the afternoon of 17th instant, in the waters of the Bar of Huelva, with a light south wind and calm sea, at about 4 o'clock we sighted a vessel with no colours flying, sailing towards the land, with mainsail and jibs set, and near to the coast, which vessel appeared to us to be suspicious on account of her movements.

That we at once made towards her for the purpose of reconnoitring, and when she observed this she made sail and retreated westward.

That we followed her, and discharged several muskets, but she neither hoisted her flag nor shortened sail; until at last, at about 7 o'clock, we came alongside of her, the Bar of Terron bearing N.N.W. when we made her anchor, and having sounded found $6\frac{1}{2}$ fathoms of water.

That having asked the captain where he came from, under what colours he sailed, and having demanded his papers, he said he came from Gibraltar with a cargo of tobacco, a crew of seven men, and one passenger, but, both during the voyage and also in this port, he refused to hoist his flag or give up his papers.

That, in consequence of this, and considering the vessel to be a smuggler wishing to unload thereabouts (being confirmed in this by the spontaneous declarations of the crew made on the spot), we determined to man the prize with sailors from our vessels, and to take the culprits on board; having done which we sailed to this port, and anchored at 12 o'clock on the following night, having first given information to the carabineers at Rompido, so that, if necessary, they might bear witness.

The next morning the health boat came on board, and the captain was asked for documents proving from whence he came; but, as he still refused to give them up, we were placed in quarantine of observation for thirteen days, which term having expired to-day, we have been admitted to free pratique.

That in the mean time we learned from the culprits themselves that they were carrying sixty-seven bales, and one of goods; that the vessel is from Gibraltar; that she is named "Garibaldi;" that the captain is a Genoese, the crew Portuguese, and the pilot a Spaniard, born at Moguer, a report of whose name is hereunto annexed.

That on the latter person we found a letter mentioning a bale of goods carried by the vessel, as well as his "folio de matricula,"

(Signed)

JUAN PARRA.

FRANCISCO BARBOSA.

MANUEL MAZO, his $\bowtie$ mark.

Inclosure 3 in No. 13.

Record of the Proceedings of the Junta Administrativa.

(Translation.)

AT Huelva on the 16th January, 1868, in the Junta of Administration composed of Don Rafael Piqueras, First Class Clerk, and "Interventor," doing duty as Administrator; Don José Rodríguez de la Vega, Second Class Clerk, performing the duties of the First Class; Don Eduardo Rivera, "Contador Vista" of the Custom-house, representing the Administrator of the same; Don José Natalio Cornejo, "Fiscal" of Finance; and Don Antonio Asquerino, Assistant "Vista," a reading was given to the statement of capture, which is the first document in these records, and from which it results—

That on 17th December last at 7 o'clock in the evening, the revenue-boat "Viva" of the Cadiz station captured in the waters of this coast, soundings $6\frac{1}{2}$ fathoms, at the

place called Barra del Terron, an English vessel called the "Garibaldi," with a crew of eight men, and a cargo of sixty-eight bales, one of clothes and the rest of leaf tobacco, the gross weight of the latter being 401 arrobas.

The crew having been asked if they confirmed their depositions, which exist in these records, they answered in the affirmative, adding that five days had passed since they sailed from Gibraltar.

The captain, having been interrogated as to the antecedents of the case, and the origin of these proceedings, read a sort of log-book written in Italian, containing all the incidents of his voyage from 16th December last, which, as he says, was the day he sailed from Gibraltar; this document was added to the records in original and stamped with the Seal of this Administration. The captain also added that the passenger Flores and the master of the revenue-boat between them called the crew of the "Garibaldi" together and deceived them into signing the depositions; in proof of which he alleges that he was kept a prisoner on Saturday the 4th instant, while the crew were at liberty, the aforesaid persons being engaged in convincing them to say that they had been four days at sea on the look out; he further said that the above-mentioned persons had been in good fellowship with the crew until to-day, and had been feeding them; that he did not know that the ship was carrying the package of clothes mentioned in the letter found on the said Flores; and that, after the captain of the "Viva" had removed him from the "Garibaldi," he could have done what he pleased in the way of putting any package of goods on board or taking away anything he chose; but he declared he could not say for certain whether he had done so or not.

The Administrative Junta, in view of the aforesaid; and

Considering that the captured vessel has no kind of document proving his nationality, starting-point, or destination;

Considering that, according to the statement of capture, the vessel was taken near the coast, and consequently within the Zone of six miles, as to which the carabineers of Rompido will in due time bear witness;

Considering that the defence of the culprit, made in verbal and written declaration, does not upset any of the facts set forth in the statement of capture; for, although he affirms that he sailed from Gibraltar only one day previously, that is refuted by the spontaneous manifestation of the crew of the "Garibaldi" in presence of five of the Junta;

Considering that the captain of the captured vessel limits himself in his defence to denouncing abuses on the part of the captain and crew of the revenue-boat at the time of the capture, and that it is not for the Junta to make any comment upon such matter;

Considering that, for the purpose of sailing to England, he had no need whatever of a pilot for the Huelva coast;

Considering, lastly, that the letter found on Flores clearly shows that part of the cargo, and consequently the whole of it, was destined for Castile;

In view of the report of the skilled examiner, from which it results that the goods captured are foreign, and of a kind subject to monopoly and forbidden to traffic; and that altogether they are worth 3,665 escudos 900 milesimas;

In view of the valuation of the vessel, made at Cadiz, amounting to 2,726 escudos, 700 milesimas; and, having put that sum against the value of the goods, from which operation it results that the value of the goods covers the value of the vessel with a third part over (see Case 2 of Article 464 of the General Customs of Ordinances);

And in view of Articles 462 paragraph 4, and 465 of the above-mentioned Ordinances;

The Junta ordered the confiscation of the captured goods and vessel; that copy of this sentence be handed to the Finance Court in due course; that the culprits be liberated, they not having rendered themselves liable to personal punishment; and that the matter be sent in consultation to the General Direction of the Branch with respect to the sale of the prize, which shall not be carried into effect without the sanction of the same. The log-book put in by the captain of the "Garibaldi" shall also be sent to the Direction, in original, as well as a list of the crew.

This was ordered by the Junta, and signed by the members thereof.

(Here follow signatures.)

Inclosure 4 in No. 13.

(Translation.)

Bay of Gibraltar.

LOG-BOOK of the English vessel "Garibaldi," 57 tons burthen, with a crew of seven, including the Captain, properly fitted out for navigation on the high seas, and commanded by Captain Innocenzo Firpo.

WE sail by the compass.

(N.B.)—All the courses, or observations taken, mentioned in this log-book are corrected for the variation. We use the meridian of Greenwich.

Events of Monday, 16th December, 1867:—

To-day, having got ready for our departure by procuring the requisite provisions and papers, and taking one passenger on board, at 8 A.M., with a light east wind, we weighed anchor, and sailed from the port, with few sails set, bound for Falmouth, laden with tobacco, as per roll, register, invoice, and bill of lading. At 10 A.M., in the direction of Cape Carnero, with a fair wind, we set all sail. Towards 11.30 A.M., in the direction of the Tarifa light, with a fresh north-east wind, heavy sea running from the east, and a clear sky, we sailed within sight of the coasts both of Spain and Morocco.

	Tenths.	Wind.	Deriva (	Variations.	Corrected Course.
P.M.					
4.12	5	N.E.	°	W. 22° 30' N.	N.W.
8.23	5	N.E.	'		
12.1	5	N.E.			
A.M.					
4.12	..	N.E.			
8.8	5	E.N.E.			
10.5	..	E.N.E.			
12.0	.	The End.			

Events of this day, Monday, 16th, Tuesday, 17th December, 1867:—

In the commencement of these 24 hours a high wind and heavy sea continued. At 2 P.M. we had Cape Trafalgar on the north and Cape Spartero (? Spartel) on the south, 22° 30' east; latitude, 36° north; longitude, 6° 3' west. At 8 P.M. the wind was lighter, the atmosphere heavy. We took in the mainsail and the two jibs ("si aria il trinchetto rotondo, e giuse le due scandalose" (?)). At 8 A.M. there was a calm, with intervals of cat's-paws of wind. We luffed to reconnoitre the coast; then "si prende a collo" (?), and "si fa abatere" (?) the ship, and we steered to the north-west.

Distance in a Straight Line.	Corrected Course.	Difference of Latitude.	Alt. Meridian.	$\frac{1}{2}$ Parallel.	Difference of Longitude.
68 miles	45° N.W.	48'	48'	36° 24'	60'

Wind light. We soon sighted the coast, and it seemed to be that of the Huelva. We made our reckoning:—

Calculated Latitude ..	..	36° 0' N.	Calculated Longitude ..	..	6° 3' W.
Difference of ditto ..	..	0° 48' N.	Difference of ditto ..	..	1° 0' W.
Reckoning of ditto ..	..	36° 48' N.	Reckoning of ditto ..	..	7° 3' W.

At about 10 o'clock there was a light wind. We set the mainmast and the two jibs. In the mean time we observed a lateen vessel with oars out, but with no colours flying, coming towards us. Very soon we heard musket-shots, and bullets passed to leeward of us. We suspected the vessel to be a pirate. At last we saw a little flag with the arms of the Queen of Spain, and immediately we hoisted our English colours to the mainmast ("e si caricano le due scandalose e si amania il trinchetto rotondo" (?)), and we put our helm hard to leeward. The crew of the lateen vessel continued to fire at us, crying out ("Joia purculo" (?)), "Luff." Then they came alongside and boarded us with arms in their hands. Two of them broke open the hatchways and went down into the hold,

and the others threatened us. They were all intoxicated, including the captain, who pointed his gun at me, crying out, "Go on board," and would not let me speak. At the same time he struck me and made me and my crew go on board his vessel, using indecent language. He also made the passenger go on board the lateen vessel called the "Viva," and commanded by Francisco Barbosa. Then after dinner they made me go back to the "Garibaldi," and Barbosa, the master, asked me from whence I came, where I was bound for, and where my papers were. I at once went to my cabin and looked for my papers, but they were no longer in the writing-case (carpeta) in my box where I had placed them. Three hundred cigars and a new pair of boots of mine were also gone. The master had the boots on. Then I told the master that he or his crew had taken my papers. Then he used foul language, and, pushing me along, made me go a second time on board the lateen "Viva," and sent me below. At night, when we were anchored near the coast, he made me go on board the "Garibaldi," and wanted me to look for my papers again, laughing at me. He was still tipsy, and I, seeing that he was making game of me, grew angry and said to him, "You and your crew have stolen my papers." Then, striking and kicking me, he sent me on board the "Viva;" and, as I was going below, he kicked at me so forcibly that, had the kick taken effect on my head, it would have killed me, but, as he was drunk, he missed his aim. About half-an-hour afterwards he called me and my crew abaft, and asked the crew if they knew anything about the "Garibaldi's" papers. One of them replied that they knew nothing about them, but that they knew that the vessel was registered at the Marine Office at Gibraltar. Then the master, Barbosa, put a pistol to my right ear and said, "Now have you dared to call me and my crew thieves?" To this I answered, "The cigars that you and your crew are smoking, the boots you have on, and a hat worn by one of your crew are mine; do you call that stealing, or not?" I told him that my papers and an English nautical almanac were in the same place as the other articles. Then he cried out, "I will shoot you; I will kill you;" and I, being so ill-used, said, "Why don't you kill me, and so finish me at once?" Then he called me a pig, a brute, an old hare; and said that he did not shoot me because he wished to make me suffer more. Then he sent me and my crew forward and made us go below.

From this moment I protest against the unjust deposition of the master of the revenue boat "Viva," Francisco Barbosa; and let it be on record that I protest in defence of all my rights, and that I claim indemnification for all losses which may be caused.

(Signed) **INOCENSO FIRPO,**
Captain of the vessel "Garibaldi."

There is a seal, with this inscription "General Administration of Public Finance at Huelva."

I also make all protest that may be necessary against the proceedings of the Finance Court; for there is no truth in the depositions read to the crew; and they are illegal, for they were not taken through an interpreter, and the crew do not understand Spanish. This is proved by the dissent of the seaman, José Ferreira, when the deposition drawn up by the said Court was read to him.

Huelva, January 16, 1868.

(Signed) **INOCENSO FIRPO.**

No. 14.

Mr. Turnbull to Lord Stanley.—(Received November 17.)

*North Shields and Tynemouth Chamber of Commerce,
North Shields, November 16, 1868.*

My Lord,

I HAVE to bring respectfully under your attention the case of the British schooner called the "Garibaldi," which was boarded by a Spanish revenue-boat's crew in December 1867, in latitude 36° 48' north longitude 7° 3' west, about 16 miles from the Spanish coast. The ship's papers, consisting of the register, the articles, bill of health, &c., were destroyed or put out of the way, and the British flag pulled down and the Master's property plundered, and the crew most cruelly and shamefully treated by the crew and commander of the Spanish gun-boat.

The said British schooner "Garibaldi," Inocenso Firpo, master, at the time of the outrage, was bound from Gibraltar to Falmouth, with a cargo of tobacco.

The owners of the said vessel are Messrs. D. Garese and Sons, merchants, Gibraltar.

This outrage to a British vessel, when lawfully proceeding on her voyage on the high seas, seems a case deserving of your Lordship's attention, which is never wanting where the honour of the British flag is involved.

Her Majesty's British Consul at Cadiz is, we are informed, fully cognizant of the particulars of this outrage, and of the depositions made in support of the truth thereof before a notary public at that port.

Your Lordship is therefore respectfully entreated—through Her Majesty's Consul at Cadiz—to inquire and to report to you the particulars of the case, with the view, if it should seem meet to you, that your Lordship will require from the new Spanish Government due reparation to be made to the owners of the said vessel "Garibaldi."

I have, &c.

(Signed) RALPH TURNBULL, *Secretary*.

No. 15.

Mr. Hammond to Mr. Turnbull.

Sir,

Foreign Office, November 19, 1868.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 16th instant, calling attention to the capture, in December last, of the Gibraltar schooner "Garibaldi," by a Spanish revenue cruiser; and I am to state to you, for the information of the North Shields and Tynemouth Chamber of Commerce, that the matter is under the consideration of Her Majesty's Government.

I am, &c.

(Signed) E. HAMMOND.

No. 16.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, January 1, 1869.

I HAVE received and consulted the proper Law Officer of the Crown upon your despatch of the 11th November, inclosing copies and translation of the log-book of the "Garibaldi" and of other documents throwing light on the circumstances attending the capture of that vessel.

The so-called log-book of the "Garibaldi" is not, properly speaking, a ship's log-book, but is a kind of protest apparently made by the master of the "Garibaldi" after his arrival at Huelva, and it is so far worthless for the purpose for which it was required, namely, as being likely to contain entries made before the seizure of the vessel.

On referring to the document, which I herewith return to you, you will find that, as respects that part of it which professes to be a journal of navigation, it contradicts the ship's manifest, and the certificate of the Captain of the Port of Gibraltar, which is alluded to in Lord Stanley's despatch to you of the 29th July last, in regard to the day on which the "Garibaldi" sailed from that port, and, so far from throwing any light upon the navigation of the vessel between the 12th and 16th December, for which it was considered that it might prove of use, it ignores that interval of time altogether.

Under the very suspicious circumstances of the case, therefore, I have to instruct you to intercede no further with the Spanish authorities on behalf of the owners of the "Garibaldi" and her cargo.

I am, &c.

(Signed) CLARENDON.

No. 17.

Mr. Hammond to Mr. Elliot.

Sir, *Foreign Office, January 1, 1869.*
 WITH reference to my letter of the 31st July last, upon the subject of the capture, by the Spanish authorities, of the British vessel "Garibaldi," I am directed by the Earl of Clarendon to transmit to you, for the information of Earl Granville, the accompanying copy of a despatch which his Lordship has addressed to Her Majesty's Minister at Madrid, instructing him to intercede no further on behalf of the owners of the above-named vessel.

I am, &c.
 (Signed) E. HAMMOND.

No. 18.

Messrs. Turnbull and Son to Mr. Otway.—(Received May 25.)

Sir, *80, Camden Street, North Shields, May 24, 1869.*
 WE have been requested to most respectfully ask, whether it was owing to some fault on the part of the crew of the "Garibaldi," or on what ground it was, that the Foreign Office declined to require from the Spanish Government indemnification for the injury and outrages that vessel was subject to by being boarded and attacked by the crew of the Spanish gun-boat "La Viva," on the 1st December, 1867, when on a voyage from Gibraltar to Falmouth.

The owners of the "Garibaldi," whose agents we are in England, write us to know the grounds on which the Spanish authorities refuse to indemnify the owners, who respectfully submit to the decision, in this case, of Her Majesty's Government, but they are anxious to know if the conduct of any of their crew led to this decision.

We are, &c.
 (Signed) RALPH TURNBULL AND SON.

No. 19.

Mr. Hammond to Messrs. Turnbull and Son.

Gentlemen, *Foreign Office, May 31, 1869.*
 IN reply to your letter of the 24th instant, I am directed by the Earl of Clarendon to inform you that Her Majesty's Government were unable to support the case of the Gibraltar vessel "Garibaldi," on account of the suspicious circumstances attending it; and more especially in consequence of a mis-statement of the master with regard to the day of sailing from Gibraltar, and of the irregularity of the log-book, which contradicted the ship's manifest, and the certificate of the Captain of the Port of Gibraltar, and contained no entry of the navigation of the vessel for three days after leaving that place.

I am, &c.
 (Signed) E. HAMMOND.

CORRESPONDENCE respecting the Capture
of the Gibraltar Schooner "Garibaldi"
by a Spanish Revenue Cruiser.

*Presented to the House of Lords by Command
of Her Majesty. 1870.*

LONDON:
PRINTED BY HARRISON AND SONS,

“TORNADO.” No. 1 (1870).

CORRESPONDENCE

RESPECTING THE

SEIZURE OF THE “TORNADO,”

OFF

MADEIRA,

BY THE

SPANISH FRIGATE “GERONA.”

(In continuation of Papers presented to Parliament
May 14, 1869.)

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—34.] Price 5½d.

TABLE OF CONTENTS.

No.	Date.	SUBJECT.	Page.
1. Sir J. Crampton ..	May 9, 1869	Inclosing note from Señor Lorenzana with copy of Report of Council of State. Grounds of condemnation of "Tornado" and refusal to refer case to a Special Tribunal	1
2. " " ..	10,	As to claim of crew to compensation. Position of question	5
3. Messrs. Isaac, Campbell, and Co. ..	18,	Request copy of latest Papers laid before Parliament ..	6
4. To Messrs. Isaac, Campbell and Co. ..	19,	Sending copy of last Papers laid before Parliament ..	6
5. Messrs. Isaac, Campbell, and Co. ..	20,	Requesting copy of Spanish answer refusing to allow a Special Tribunal to re-examine the case	6
6. To Messrs. Isaac, Campbell and Co. ..	21,	Spanish answer before the Law Officers. Will be communicated later	7
7. Mr. Forbes Campbell ..	25,	As Agent of the crew requests copy of the Report of the Spanish Council of State. Trust Her Majesty's Government will maintain demand for indemnity ..	7
8. To Mr. Forbes Campbell	29,	Inclosing Report of Spanish Council of State with documents referred to in it for any observations	7
9. To Messrs. Isaac, Campbell, and Co. ..	29,	Ditto	7
10. Mr. Forbes Campbell ..	June 2,	Observations upon the Reports of Spanish Council of State	17
11. To Mr. Ffrench ..	7,	Señor Tassara has promised to recommend case of crew to generous consideration of his Government ..	21
12. Captain Collier ..	7,	Requesting information as to his claim	22
13. Messrs. Isaac, Campbell, and Co. ..	7,	Observations upon Report of Spanish Council of State ..	22
14. To Captain Collier ..	9,	Unable to inform him when case will be decided ..	24
15. To Mr. Ffrench ..	25,	Her Majesty's Government concur in condemnation of the "Tornado." To submit case of the crew to favourable consideration	24
16. To Mr. Forbes Campbell	25,	Informing him that Her Majesty's Government have acquiesced in condemnation	25
17. To Messrs. Isaac, Campbell, and Co. ..	25,	Ditto	25
18. Captain Collier ..	..	Asks if leaving England would be detrimental to his claim	25
19. To Captain Collier ..	June 28,	No reason why he should remain in England	25
20. Mr. Ffrench..	July 2,	Inclosing copy of note to Spanish Government with regard to pecuniary assistance to the crew	26
21. " " ..	16,	Señor Silvela prepared to propose that a present should be made to the crew	26
22. To Mr. Ffrench ..	21,	To express satisfaction to Señor Silvela for his intentions	26
23. Mr. Ffrench..	26,	Inclosing note from Señor Silvela with regard to compensation to the crew	27
24. To Mr. Ffrench ..	Aug. 4,	To acquaint Señor Silvela with alleged losses of the crew, and to call attention to the privations they had endured	27
25. Mr. Ffrench..	12,	Inclosing copy of note to Señor Silvela in accordance with above instruction	28
26. Mr. Forbes Campbell ..	Nov. 11,	Asking to be informed of result of application to the Spanish Government	28
27. Mr. Ffrench..	13,	Spanish Government propose to give 1,500 <i>l.</i> to Her Majesty's Government for the crew	29
28. To Mr. Forbes Campbell	16,	Informing him of offer of Spanish Government ..	29
29. Mr. Ffrench..	13,	Offer of Spanish Government with regard to the crew. Copy of note from Señor Martos	29
30. Messrs. Barnett and Palmer	18,	Requesting, in the capacity of inspectors of the estate of Messrs. Saul Isaac, Campbell, and Co., that Her Majesty's Government will demand restoration of the "Tornado"	30
31. To Mr. Barnett ..	20,	Informing him that Her Majesty's Government have acquiesced in the condemnation of the "Tornado" ..	30

No.	Date.	SUBJECT.	Page.
32. Mr. Forbes Campbell ..	Nov. 22, 1869	Observations with regard to the Spanish offer of 1,500%. Communicating his view of the claims of the crew ..	31
33. To Mr. Forbes Campbell	Dec. 23,	Answer to the above. Has misapprehended purport of Spanish offer. Explanations ..	33
34. Mr. Forbes Campbell ..	24,	Answer to the above letter, stating that assertions made in it are incorrect. Will communicate with the crew ..	34
35. „ „ ..	31,	Inclosing letter from Captain Collier, asking on what principle it is proposed to distribute the 1,500% ..	34
36. To Mr. Forbes Campbell	Jan. 5, 1870	Receipt of above. Question of distribution of money, &c., under consideration ..	35
37. Mr. Forbes Campbell ..	15,	Suggesting that claims of crew be referred to Emperor of the French or some other impartial umpire ..	35
38. To Mr. Forbes Campbell	28,	View of Her Majesty's Government with regard to distribution of the money. Observations with regard to Mr. Forbes Campbell's assertions ..	36
39. „ „ „	29,	Answer to letter of 15th January. As to referring claims of crew to arbitration ..	36
40. Mr. Forbes Campbell ..	Feb. 1,	Further observations with regard to the distribution of the money, and to his previous connection with the "Tornado" case ..	36
41. To Mr. Forbes Campbell	5,	No objection to ask Spanish Government to allow the officers of the "Tornado" to share in the 1,500%. Referring him to printed correspondence with regard to his projected visit to Madrid ..	37

Correspondence respecting the Seizure of the "Tornado," off Madeira, by the Spanish Frigate "Gerona."

(In continuation of Papers presented to Parliament May 14, 1869.)

No. 1.

Sir J. Crampton to the Earl of Clarendon.—(Received May 12.)

(Extract.)

Madrid, May 9, 1869.

I HAVE the honour to inclose herewith the copy of a note from Señor Lorenzana, dated the 4th instant, but which did not reach me until yesterday, inclosing the copy of a Report of the Council of State, containing the answer of the Spanish Government to my note of the 7th of January last, in regard to the case of the "Tornado."

This Report, taken together with those made by the Council of State on the 13th* of July, 1867, and the 11th of July, 1868, Señor Lorenzana informs me, contains a full statement of the grounds upon which the "Tornado" was condemned as a good prize, and upon which the Spanish Government now declines the proposal of Her Majesty's Government that a special Tribunal should be established for a new trial of the case.

Inclosure 1 in No. 1.

Señor Lorenzana to Sir J. Crampton.

(Translation.)

Sir,

Madrid, May 4, 1869.

IN fulfilment of the promise I made to your Excellency in answering your note of 7th January last, concerning the question of the capture of the "Tornado," I have the honour to inclose to your Excellency copy of the Report issued by the Council of State on 31st March last, which has just been sent to me by the Minister of Marine.

A perusal of this argumentative Report, and of those issued by the same Body on 13th* July, 1867, and 11th July, 1868, of which I also inclose copies, will prove to your Excellency the legality of the Resolution of all the questions raised concerning the "Tornado" case, and the justice of the declaration of "good prize," as regards the said steamer.

I therefore hope that your Excellency, convinced by the arguments of the said High Consultative Body, will understand that it is impossible for the Spanish Government to accede to the wishes expressed by your Excellency in your aforesaid note of the 7th of January, relative to this case.

I avail, &c.

(Signed) J. A. DE LORENZANA.

* Query, 10th?

Inclosure 2 in No 1.

Report.

(Translation.)

Most Excellent Sir,

THE Council has again examined the legal documents respecting the seizure of the steamer "Tornado" by the war-frigate "Gerona" on the night of the 22nd of August, 1866, in order to report to your Excellency, in obedience to the directions given to this Body in the Order of the 8th of February, on a petition by Don Eusebio Casaes y Castro, who represents the proprietors of the above-mentioned steamer, in which he solicits that the sale of this ship may be suspended, or that otherwise the fitting protest be received, accompanying the same by a note from the English Minister, in which it is requested that the case may be referred to a special Tribunal which, after having heard both sides,—that is, the captors and the captured,—may decide whether the "Tornado" is or is not a good prize.

This note was remitted in duplicate to the Council on the 27th of the said month of February, together with another note from the before-mentioned Minister Plenipotentiary in which he demands that so long as the reclamations in the "Tornado" case shall not have been heard, the ship be not sold in virtue of the sentence which condemned it. From the antecedents it appears that after the administrative proceedings to which this seizure gave rise had gone through all their stages, and audience had been allowed to the captured in order that they should submit their defence, but of which right they did not make use within the term that was accorded to them for that purpose, a decision was come to on the 30th of July last year in conformity with the Report of the Council, and with the previous concurrence of the Council of Ministers, by which the decision of the Prize Court of the Department of Cadiz was confirmed, declaring that the detention of the "Tornado" was legitimate, and that the vessel was a good prize with all thereunto belonging, the value of which, after deducting expences, should be distributed among the captors in accordance with the regulations. In the meantime, the above-mentioned Don Eusebio Casaes y Castro, with the aforesaid representations, had presented to your Excellency a petition on the 6th of the said month of July, raising various questions regarding the proceedings to which the case of the capture of the steamer "Tornado" ought to be subjected; praying that a consultation upon them should be had before this Council, and that the right which the owners of the said vessel had to be heard should be declared, or if not that the proper protest should be received. But by another Royal Order of the 30th of the said month of July, the said petition was rejected in all its parts, in conformity with the Report of the Auditor of Marine in this capital.

On the 26th of January of the present year, Don Eusebio Casaes again applied to your Excellency with a new petition, setting forth that he had solicited before the Captain-General of the Department the suspension of the sale of the said vessel, seeing that the declaration of good prize ought to be annulled, because all the legal formalities had not been complied with on the part of the Spanish Government; in regard to which fact the proprietors of the captured vessel had made reclamations to Her Britannic Majesty's Government that the Captain-General had rejected this pretension as well as the admission of the protest, wherefore he reproduced both in order that the proper resolution might be come to.

About the same time the Department of State transferred to that of Marine under the worthy charge of your Excellency the note which had been addressed to it by the Minister Plenipotentiary of England in Spain on the 7th of the same month of January. In this document the Minister sets forth that, although it appeared from the Royal Order of the 9th of July last year, by which the legality of the prize was declared that before pronouncing the sentence the Tribunal which heard the case gave to the proprietors of the "Tornado" the means of being heard in their defence, they, for reasons which their advocate considered valid, renounced their right, reserving to themselves to make use of it before the Council of State as a Tribunal of Appeal in the matter, relying upon the solemn declarations of the Spanish Government to the effect that this body was to examine and hear in appeal all cases of prizes before a sentence of condemnation should be pronounced.

That these declarations were made in the official notes addressed to the said Minister Plenipotentiary on the 11th of December, 1865, and of the 21st of November, 1866, that the parties interested had had recourse to your Excellency on the 3rd of July last requesting that the form of procedure might be indicated to them for the exercise of their rights, and saying that their petition had received no answer, those persons having learnt in the mean time, unofficially, that the Council had given an opinion to the effect of a declaration of

lawful prize. And from all this the Government of Her Britannic Majesty deduced that this matter had been decided without the defence of the interested parties having been admitted before the Tribunal, to which they had the right of appeal in virtue of the promises of the Spanish Government, which had not been fulfilled, and that in obedience to the instructions which he had received the Plenipotentiary requested that the aforesaid matter might be submitted to a special Tribunal which, after having heard both sides, should determine whether the "Tornado" is a lawful prize or not. From the aforesaid antecedents arise two questions, *i.e.*, one which is put forward by the representative of the owners of the steam-ship "Tornado" to the effect that the sale of that ship be suspended, or that the protest be admitted, and the other which is raised by the Minister Plenipotentiary of England, namely, that this case be submitted to a special Tribunal.

The Council, in order to give an opinion with respect to both these questions, must begin by recapitulating what it has previously reported to the Ministry of Marine on this same matter, although on another point.

The Council has shown, in the first place, that matters of prize are of an administrative character, and that the Tribunals of Justice cannot intervene in them, seeing that captures at sea constitute a political act which must be settled in conformity with the laws of war, and it is only the Government which is competent to declare war and make peace that can estimate in each case the legality of the prize. On the other hand, the Tribunals must strictly conform in their judgments to the prescriptions of established law; but prize matters must be settled in harmony with the principles of international law, paying attention, sometimes, to motives of expediency, and always to those of high justice in order to avoid complications which might arise with other Governments.

The Council has also maintained before now that each State, in the exercise of its sovereignty has the right of judging for itself prizes made from another State at enmity with it, submitting, however, its Resolution to the authorities or corporations, and to the forms of procedure previously established. By the Naval Ordinances the cognizance in the first instance of these cases belongs to the authorities and corporations of the Marine Department, as the definitive resolution belongs to the Government necessarily hearing the Council of State in pursuance of the directions contained in section 8 of Article 45 of the Organic Law of this body.

No regulation exists which can prescribe a different form for taking cognizance of and deciding this class of cases; and it will not be superfluous to say, in order to prove that in this case there has been no default either in regard to the rules of international law or in what has been agreed to in Treaties, that in the one of 1763, concluded with England, and signed at Paris, it was stipulated that prizes taken from the Spaniards during time of peace by the subjects of Great Britain should be submitted to the Admiralty of that country, so that the lawfulness of the prizes between the Spanish and British nations should be decided and adjudged according to the law of nations, and according to Treaties, in the Tribunals of that nation which should have made the prize. These last words prove that the Tribunal, as the Treaty denominates the body which has to take cognizance of the prize, must be one established beforehand, that it cannot be appointed *ad hoc*, nor subsequently to the capture; and this alone which is to be found set forth in a diplomatic document not to be called in question by the Minister Plenipotentiary of England is convincing that what the Representative of Great Britain requires is irregular, namely, that the proceedings to which the capture of the "Tornado" have given rise should be submitted to an especial Tribunal.

On the contrary, it is before the Tribunals established in the nation, that is, before the Marine authorities in certain cases; before the Juntas of Departments when they proceed at once according to Ordinance; and before the Government, whose business it is, having heard the Council of State, to decide finally that, according to Spanish law, maritime prizes made by our navy must be tried. And if we consider the unreasonableness with which it is sustained by those who call themselves owners of the "Tornado," and by the British Minister Plenipotentiary, that the captured have been prevented from defending themselves, we shall easily see how unfounded is the assertion of the Minister to the effect that the Spanish Government has not fulfilled its promises. On this point let the Representative of Her Britannic Majesty refer to the notes of the Spanish Minister of State of 11th December, 1865, and 21st November, 1866. In the first it is declared that the decision of the Prize Court shall receive the confirmation of the Council of State; and in the second, after stating that the first proceedings being intended for the substantiation of the fact, and for the collection of data necessary for its classification, must of necessity be secret, because they constitute a kind of preliminary step ("Sumario"), an assurance is given that the accused had facilities for the most complete defence in the subsequent stages of the matter. It is sufficient to observe the date of, and the special

circumstances under which those notes were written, to show the weakness of the foundation of the reclamation which it now sought to base upon them. The note of December 1865, written long before the capture of the "Tornado," was only intended to remove the imputation of partiality which the British Government cast upon the Court constituted on board the squadron; and whatever meaning it may be wished to give to that note, it could not apply to the matter before us, which arose very much after its date. As the final stage mentioned in the note is, and always has been in Spain, of a nature exclusively administrative, especially since the promulgation of the Organic Law of this body, it is quite indubitable that the ulterior resort indicated by the note was, and could be, no other than the last and highest step established for this kind of cases, in which stage the parties interested could justify themselves to the full extent of their rights before the Government; which would pass their justifications to the Council; which, examining them with the justice due to them, would issue its opinion. The interested parties who now make reclamation, far from being ignorant of the purely administrative nature of this matter, know it from the four lawyers whom they consulted, whose opinions they presented, and which exist among the documents. Besides, they made reclamation against the judicial character which, in their opinion (although it was wrong), was given to the case at Cadiz, and they asked that it should be considered, as it really was, administrative.

How, after such antecedents, can they now claim that a new case should be opened in a litigious form ("en forma contenciosa"), against which their own lawyers advised them, they having accepted that advice, and having asked that it might be acted upon. The administrative nature of the matter did not, however, prevent the interested parties from bringing all the proofs and making all the defence compatible with their rights. For that purpose they were cited; spaces of time were allotted to them; and it is entirely their own fault if they did not answer the call, nor take the opportunity of justifying themselves. The ship having been declared a good prize, the case was sent up to the Government, and was by the latter handed to the Council for revision and opinion; and before this high Body they might likewise not only have induced the arguments which they did not choose to bring before the Tribunal of Cadiz, but they might also have amplified their defence and justifications, as had been promised to them in the second of the notes referred to for the non-litigious character of the matter would have been no obstacle to that. Nor were the interested parties ignorant of this, although they now affect to be so; for in the appeal which they made to your Excellency on the 6th of July, 1868, they make express mention of the organic law of this Body, according to which, by No. 8 of Article 45, the Government is obliged to hear the Council as to the legality of maritime prizes; and knowing this, as they did know it, it is inadmissible that they should have been ignorant of the form in which they were to present the reclamations and proofs which they thought fitting. And even if this ignorance could be hypothetically allowed, the Royal Order of 27th of July, 1867, issued in conformity with what was proposed by this same Body, declared it in so explicit and decisive a manner, that after it they could entertain no sort of doubt upon that point.

All these antecedents demonstrate the bad faith of the claimants, who, when as they suppose a judicial character is given to the affair, complain and demand that it should be considered exclusively administrative; and now that this is done, they solicit that a new litigious case should be opened; who when they are cited and periods are appointed in order that they may bring forward their defence and adduce proofs, neither present these nor attend to the call, and now they complain of a default of audience, which is imputable to themselves alone. In regard to the new demand of Her Britannic Majesty's Government that an especial Tribunal should be appointed, the Council cannot but remind your Excellency that this idea, suggested no doubt by the said interested parties, is a fresh proof of the little confidence which they feel in regard to the justice of their cause and their former pretensions, because neither has this ever been offered by the Spanish Government nor could it be offered or accepted now, because contrary to the laws according to which every cause must be judged by Tribunal previously established, and because, moreover, it is opposed to the Treaty of the year 1763 before cited, concluded between the two nations, and the only one in force with regard to these matters. If, then, from what is above stated, there is no reason to entertain the reclamation which the Minister Plenipotentiary makes in his note, because all the stages and legal requirements have been observed in the case, still less can the claim of the interested parties be attended to for the suspension of the sale of the captured vessel. For, from the moment when the Government, in the exercise of its legitimate powers, has confirmed the declaration of good prize, the regular course is, that the distribution of the value of the ship among the captors should be duly executed, in conformity with the regulation, and in pursuance of the directions in the aforesaid Royal Order of the 30th of last July.

This having been communicated to the Captain-General of the Department in order

that he should proceed accordingly to that which ought to be done, the Economic Junta ("Junta Economica") of the said Department was right in directing the sale of the captured vessel, and this cannot be suspended, for the reason that the administrative action being brought to a close by the aforesaid Royal Order of the 30th of July, its most exact fulfilment is all that has now to be considered.

It seems fitting, therefore, in the judgment of the Council, that the petition of Don Eusebio Casaes y Castro, should be rejected in all its parts, and that the Ministry of State should reply to the Representative of Her Britannic Majesty, transmitting to him an authenticated copy of the present Report, and of those which were sent in by the Council on the 13th* of July, 1867, and on the 11th of the same month in 1868. Seeing that in these Reports the legality with which all the questions which have been raised in this affair is established, as well as the justice with which the declaration of good prize has been made, your Excellency nevertheless will decide what is most proper.

Madrid, March 21, 1869.

(Signed)

ANTONIO DE LOS RIOS Y ROSAS, *President.*

PEDRO DE MADRAGO, *Secretary-General.*

The Most Excellent Señor the President
Minister of Marine, Topete.

No. 2.

Sir J. Crampton to the Earl of Clarendon.—(Received May 13.)

My Lord,

Madrid, May 10, 1869.

WITH reference to my despatch of yesterday's date, transmitting to your Lordship the reply of the Spanish Government to my note of January 7, on the subject of the "Tornado," your Lordship will have observed that in this reply no mention is made of the claim of the crew of that vessel to compensation.

I had the honour to receive, by your Lordship's telegram of the 2nd ultimo, an instruction to ascertain whether the Spanish Government was disposed to act liberally towards the crew of the "Tornado" and the widow of Mr. John McPherson, and I replied by telegram, dated April 3, that the Spanish Government would positively decline to admit the validity of their claim to an indemnity. On the same day I sent a despatch by post to your Lordship, inclosing copy of a Memorandum furnished to me by the Spanish Minister for Foreign Affairs, stating the grounds of the indisposition of the Spanish Government to satisfy such a demand.

Understanding, however, from your Lordship that Her Majesty's Government do not consider this Memorandum as a final answer of the Spanish Government in regard to the claim in question, it may be well that I should now state the position of the question, with a view to such further steps as Her Majesty's Government may think expedient to take in regard to it.

In a note addressed by me to the Spanish Government on the 11th February, 1867, I had put forward this claim for indemnity on the part of the crew, coupled with a demand for their immediate release, conceiving, not unnaturally, from the previous correspondence (although, it appears, erroneously) that these claims were both made irrespectively of any decision of the question of the condemnation of the "Tornado" as a good prize, resting upon the ground of the unreasonable length of time the crew were detained, and upon their alleged ill-treatment, no matter what might be the character of the vessel, or the future sentence of the Prize Court.

I received, however, a despatch from Lord Stanley dated the 12th March, 1867, in which his Lordship states, with reference to my above-named note, that "it was not his intention, when he demanded the release of the crew of the 'Tornado,' that I should couple that demand, as I did, with a further demand that they should be indemnified for the losses and injuries incurred by them in consequence of their detention and imprisonment; and that I was only cautioned against renouncing the right of Her Majesty's Government to demand that they should be indemnified;" adding that "he was advised by the Law Officers of the Crown that that question could not be satisfactorily disposed of at this stage of the proceeding," &c.

Again, in a despatch of the 20th April, 1867, I was informed by Lord Stanley that "Her Majesty's Government had received information from more than one quarter, calculated very materially to influence their views of the case of the 'Tornado;' and that

* Query, 10th ?

this information had a very direct bearing on the case of the vessel herself, on that of the engineer McPherson, and on the claim on behalf of the crew for compensation. The latter claim," his Lordship added, "must necessarily lie over for the present."

No instructions that I can find have since been addressed to this Legation to revive this claim.

When, therefore, I received your Lordship's directions to ascertain the disposition of the Spanish Government in regard to it, I made the inquiry desired, and transmitted the answer in the form of a Memorandum, stating what that disposition was, and not in the form of an official refusal to satisfy a claim which was really not at the time before the Spanish Government, seeing that my having before made it had been disavowed, that I had been instructed to let it lie over, and had not been directed to renew it.

As, however, I infer from your Lordship's telegram of the 2nd ultimo that Her Majesty's Government still consider the claim to be a good one, and to subsist, I wish to point out by this despatch that in such case it will be necessary that it should be officially renewed to the Spanish Government.

I have, &c.
(Signed) JOHN F. CRAMPTON.

No. 3.

Messrs. Isaac, Campbell, and Co. to the Earl of Clarendon.—(Received May 19.)

7, East India Avenue, Leadenhall Street, London,
May 18, 1869.

My Lord,

SINCE we had the honour to receive your Lordship's letter of the 13th April last, transmitting copy of the correspondence relative to the "Tornado," we understand that further papers have been laid on the table of the House of Commons. We are anxious to be in possession of all the information in connection with this case up to the present time, and being unable to obtain copies of the papers above referred to, shall be greatly obliged by your Lordship's giving directions for their being forwarded to us at your earliest convenience.

We have, &c.
(Signed) S. ISAAC, CAMPBELL, AND Co.

No. 4.

Mr. Hammond to Messrs. Isaac, Campbell, and Co.

Gentlemen,

Foreign Office, May 19, 1869.

IN reply to your letter of the 18th instant, I am directed by the Earl of Clarendon to transmit to you a copy of the last papers respecting the "Tornado," which have been laid before Parliament.

I am, &c.
(Signed) E. HAMMOND.

No. 5.

Messrs. Isaac, Campbell, and Co. to the Earl of Clarendon.—(Received May 21.)

7, East India Avenue, Leadenhall Street, London,
May 20, 1869.

My Lord,

WE have had the honour to receive your Lordship's letter of 19th May, inclosing the printed papers of the "Tornado" correspondence up to the 9th instant.

We collect, however, from the reply of the Under-Secretary for Foreign Affairs to a question put recently by Mr. C. Bentinck, that the Spanish Government have furnished their reasons for refusing to accede to your Lordship's request for a special Tribunal to determine whether the "Tornado" is, or is not, a good prize. This is the document which we are most desirous to see, and we have to ask that your Lordship will kindly direct that we shall be furnished with a copy of the same.

We have, &c.
(Signed) S. ISAAC, CAMPBELL, AND Co.

7
No. 6.

Mr. Hammond to Messrs. Isaac, Campbell, and Co.

Gentlemen, *Foreign Office, May 21, 1869.*

IN reply to your letter of the 20th instant, I am directed by the Earl of Clarendon to inform you, that the reply of the Spanish Government, containing their reasons for refusing to allow the case of the "Tornado" to be referred to a Special Tribunal, is now before the Law Officers of the Crown, but that a copy of it shall be communicated to you hereafter.

I am, &c.
(Signed) E. HAMMOND.

No. 7.

Mr. Forbes Campbell to the Earl of Clarendon.—(Received May 25.)

My Lord, *74, St. James's Street, London, May 25, 1869.*

AS Agent for the crew of the British screw-steamer "Tornado", I have the honour to apply to your Lordship for a copy of the "fresh Report of the Spanish Council of State" referred to in Sir John Crampton's telegram of the 9th instant.

The Spanish Government having declined to rehear the case, I trust Her Majesty's Government will maintain the protest and the demand for indemnification to the crew which were made by Sir John Crampton on February 11, 1867, and will now enforce a prompt settlement of the crew's claims, amounting at least to 13,593*l.* 7*s.* 2*d.*, besides interest, as set forth in my letter to Lord Stanley of April 15th, 1867.

Referring your Lordship to the joint opinion of Sir Robert Collier and Mr. C. J. Cottingham, transmitted in my letter of May 29, 1868, I have, &c.

(Signed) D. FORBES CAMPBELL.

No. 8.

Mr. Hammond to Mr. Forbes Campbell.

Sir, *Foreign Office, May 29, 1869.*

IN reply to your letter of the 25th instant, I am directed by the Earl of Clarendon to transmit to you, for any observations you may wish to make, the accompanying translation of a note which has been addressed to Her Majesty's Minister at Madrid by Señor Lorenzana,* inclosing a translation of the Report of the Council of State, containing a statement of the grounds upon which the "Tornado" was condemned as good prize, and upon which the Spanish Government decline to accede to the proposal of Her Majesty's Government that a special Tribunal should be established for a new trial of the case.

The first paper referred to at the conclusion of this Report is herewith transmitted to you; the second you will find at page 32, Part I of 1869, of the accompanying collection.

The other papers alluded to, you will find in the same papers at the places marked.

As regards the question of indemnification to the crew, I am to state to you that the matter is now before the Law Advisers of the Crown, and that you will receive hereafter an answer respecting it.

I am, &c.
(Signed) E. HAMMOND.

No. 9.

Mr. Hammond to Messrs. Isaac, Campbell, and Co.

Gentlemen, *Foreign Office, May 29, 1869.*

WITH reference to my letter of the 21st instant, I am directed by the Earl of Clarendon to transmit to you the accompanying translation of a note which has been addressed to Her Majesty's Minister at Madrid by Señor Lorenzana,* inclosing a transla-

* Inclosure 1 in No. 1.

tion of the Report of the Council of State, containing a statement of the ground upon which the "Tornado" was condemned as good prize, and upon which the Spanish Government decline to accede to the proposal which, relying on the faith of the representation that you had been precluded from appearing before the Council of State to defend yourselves on the merits of the case, Her Majesty's Government had made to it, namely, that a special Tribunal should be established to decide whether the vessel was, or was not, good prize.

The first paper referred to at the conclusion of this Report, is herewith transmitted to you; the second you will find at page 32, Part I of 1869, of the accompanying collection.

The other papers alluded to, you will find in the same papers at the places marked.

I am to state to you, that, before Her Majesty's Government express any opinion or come to a final decision with regard to the case, Lord Clarendon would wish to be furnished with any further observations which you may desire to submit to his Lordship, and more specifically as to the allegations contained in the Report of the Council of State, that you have not availed yourselves of the opportunities which were open to you for obtaining a hearing, and that you must have been aware of the form in which it was necessary to present your case and proofs before the Council.

I am, &c.
(Signed) E. HAMMOND.

Inclosure 1 in No. 9.

Señor Lorenzana to Sir J. Crampton, May 4, 1869.

[See Inclosure 1 in No. 1.]

Inclosure 2 in No. 9.

Report of the Council of State, dated March 31, 1869.

[See Inclosure 2 in No. 1.]

Inclosure 3 in No. 9.

"Informe" of the Council of State, addressed to the Spanish Minister of Marine.

(Translation.)

Most Excellent Sir,

WITH the Royal Order of the 7th, 21st, 22nd, and 27th of February, and 20th March last, issued by the Ministry under the worthy charge of your Excellency, the antecedents relating to the proceedings taken concerning the appeal of complaint brought before the said Ministry by Mr. Collier, Captain of the steamer "Tornado," with reference to the proceedings undertaken before the Prize Court established in the Department of Cadiz, in consequence of the capture of the said ship made by the frigate "Gerona" on the 22nd August of last year, were sent to the Council, in order that this High Body might give its opinion concerning the said appeal.

With another Royal Order of the 9th instant, the proceedings to which the said capture has given rise in the Prize Court, and the certificate proving that the Supreme Court of War and Marine had inhibited itself from the cognizance of this matter, were also afterwards sent, in order that the Council, in view of the antecedents before mentioned, should advise as it might deem fitting.

And with a Royal Order of the 14th of the said month, a copy of the documents lately presented to the English Parliament, with reference to the said ship, was also sent to the Council.

From the antecedents it results that the said prize was taken to the capital of the said Department, and that the Court which had been formed of the Economic Junta and the Auditor of the same, in consequence of the directions of the Royal Order of the 24th April last year, being there constituted, the said Court commissioned the Commandant of the naval district of Cadiz to proceed to the institution of the "Sumario," or preliminary proceedings. This having been done by the Court of the Commandancy,

the documents were sent to the Economic Junta, which understanding it to be a matter of judicial procedure, although in "Sumario," and without hearing the defence of the captured parties, issued a provisional sentence on the 15th December, 1866, declaring the detention of the "Tornado" to be legitimate, and that vessel and all belonging to her to be good prize, and ordering that the value of the same should be adjudged to be divided among the captors. It was also ordered that the prisoners should be placed at the disposal of the Captain-General of the Department; that that provisional sentence should be notified to the Captain, Mr. Edward M. Collier, acquainting him with the fact that he might appeal against it within the term of five days, counted from the day following the notification; that in case he appealed, another term should be allowed him, and the necessary information of the records of the case should be afforded him for his defence, and that of the ship captured, of the crew, and of the interests which he represented; and that it should be communicated, with copy of the Auditor's Report, to the British Consul at Cadiz, in order that, knowing the charges which resulted against the "Tornado," he might instruct and counsel her captain, and any other person interested in the said ship, concerning their right of defence.

When that provisional sentence was made known to the British Consul, he declared that he protested against the capture of the vessel, and all its consequences, and that he appealed, being ready to defend himself in due time: for which reason the Court ordered that Mr. Collier should ratify the said declaration and protest, granting to him and to Mr. Isaac, who called himself the owner of the vessel, the term of ten days for the preparation of the appeal.

Mr. Collier made an appeal declining the jurisdiction of the Court, and asking that it should be declared that the Junta of the Department was incompetent to take cognizance of the capture of the steamer "Tornado;" that for that reason, and on account of the legal defects in the proceedings, all that had been done was null and void, including the declaration that the vessel was good prize; that the interested parties had a right to claim damages; and that the above being once declared, the antecedents ought to be sent to the Government that it might resolve as to the course to be given to the affair, protesting that appeal would be made to Her Majesty and to the British Government asking for protection, in case of refusal to accede to the aforesaid demands; also that, pending the decision of this question, the lapse of time should bring no prejudice to the parties, nor should any step be taken or resolution come to which might injure their interests.

Information of that document having been given to the captors, the captain of the "Tornado" had recourse to the Ministry of Marine with the appeal of complaint of which mention will be made further on, and in consequence of that appeal the Tribunal was invited to suspend the course of the proceedings and all further steps.

The captors, on the above information, opposed the demands of the captured, and in view of this the Court pronounced a fresh provisional sentence on 30th January of the present year, declaring the appeal declining the jurisdiction to be inadmissible, and the said Court to be competent to continue the cognizance of the suit. The Court also declared that there was no cause for demanding the nullification of the proceedings, nor that of the provisional sentence of 15th of December before-mentioned, nor for claiming damages; at the same time, ordering that Mr. Collier should be informed that if he did not present his defence, as he had been told to do, that stage would be looked upon as passed, to his prejudice, and the course of the proceedings would be continued until the passing of the final sentence.

Against that provisional judgment Mr. Collier appealed, and the Court admitted the appeal in a single effect, to go before the Supreme Tribunal of War and Marine, ordering the necessary testimony to be supplied to the interested party, and that he should replace the paper of his last document, according to the law of stamped paper.

The appellant having asked that the Prize Court would point out the kind of paper with which he was to replace both the said document and the previous ones, although he did not wish it to be supposed that on that account he submitted himself to the jurisdiction of the said Court, and having afterwards demanded the revocation of the previous provisional sentence inasmuch as by it his appeal was admitted in a single effect only, the appellant appealing again subsidiarily, it was declared that there was no cause for the revocation; this last appeal was admitted also only in the effect which might be returned to the inferior Court ("devolutivo"), and it was ordered that the paper to be used should be the law paper with an escutcheon stamp.

An attested copy of the records of the proceedings having been claimed for presentation before the Superior Tribunal, it was given to the captain of the "Tornado" on the paper bearing the aforesaid stamp.

On the 2nd March last a provisional sentence was issued declaring the stage of the defence to have passed, and ordering that the documents in the case should be shown to the captors, so that within the space of ten days they might plead concerning the right of the same, which pleading they renounced.

The evidence in the "Sumario" having been confirmed, and all the documents and papers found in the vessel having been recognized by the captured,* they pleaded the want of defence, and the previous protests and demands were made over again. And after a Report from the Auditor, the Court, accepting the facts and foundations of the sentence pronounced by the same Court in first instance, declared the vessel and all belonging to her to be good prize.

This sentence having been appealed against, by Mr. Collier, to such superior authority as the decision might belong to, and the previous protests having been reproduced, the appeal was admitted freely and in both effects, and the documents were sent to the Supreme Tribunal of War and Marine.

That Tribunal, before which Mr. Collier had appeared for the purpose of following up the appeal admitted in a single effect, sent the documents to the "Fiscal togado" (Attorney-General), who, considering prize cases to be purely administrative, demanded that the Tribunal should openly and clearly inhibit itself from the cognizance of the documents, and send them to the Ministry of Marine for the proper steps to be taken; and the Tribunal, by Resolution of 23rd May last, while revoking the document issued by the Junta of the Department on 30th January, inhibited itself from the cognizance of the documents, ordering that they should be sent to your Excellency for the proper steps to be taken.

While all this was being done, on 21st of January of the present year, the appeal of complaint of which mention has before been made, relative to the proceedings taken by the Junta of the Department, was made to your Excellency. That appeal has the following bases:—

1. That the Prize Court was not constituted as the Ordinances direct;
2. That the time appointed by the same was not employed in the trial;
3. That the captors and captured were not heard at the summary hearing which the Ordinances prescribe;
4. That the Judges did not limit their examination to those papers and documents specified by the Ordinances, nor were the depositions of the captured persons taken in the only language with which they were acquainted, nor was the necessary time allowed them for their defence;
5. That the Court constituted itself by its own authority, or by virtue of a Royal Order insufficient to abrogate a law; and—
6. That the vindication and defence of the captured persons were not listened to, and the capture was declared legitimate at the end of four months.

The Junta reported upon this appeal, and all the other documents concerning it having been added, it was passed on to the Council, together with the Royal Order of February 7 mentioned at the commencement, in order that the Council might issue its Report.

Before analyzing the case for the purpose of solving the points which are the subject of this Report, your Excellency will allow the Council to make some general remarks now that, for the first time in the application of its organic law, it has occasion to establish the doctrines referring to the matter; and the Council says that it is for the first time, because although it is true that not many days ago it reported on the capture of the Chilean vessel "Alice Ward," yet, as in that case no doubts as to the competency and the proceedings were raised, or even hinted at, the Council confined itself, as was its duty, to giving its opinion as to the legality of the capture.

In the opinion of the Council there would be great error and narrowness of view in looking upon prize cases as private questions between the captors and the captured; they ought to be examined from a higher point. Behind the interests and rights of the aforesaid persons stands the honour of the nation which is at war, as well as the interests and rights of other nations. From this height must such matters be considered, in order to deduce their character, and to what principles they must be adjusted in their investigation and solution; and from this point of view the Council will examine them in a general sense, coming afterwards to the analysis of the "Tornado" case, and to the solution of the questions which it involves.

The capture of a vessel in time of war is a deed of arms in consequence of the said war, done in the name of the Government by those who make the capture, whether they be Commanders of Government ships or authorized privateers. But as that deed of arms

* In the original the word is "apresadores" (captors).

might have been contrary to universally recognized international law, by injuring the interests of neutrals, thereby also injuring the interests of their respective Governments, it is necessary for the honour of the nation which is at war, and it is proper so as not to break the faith of Treaties, and in order to avoid reclamations with transcendent consequences, that the Government should examine and weigh the conduct of its agents; and to do that it is necessary to examine, weigh, and decide upon the circumstances of the capture.

Therefore, as captures and the proceedings connected with them are in their origin the consequence of war, the examination of the same is not a thing that can be subjected to the judicial criterion.

As the examination of the conduct of the Agents of the Government at war is for its own purposes, it belongs to the said Government to decide as to whether the acts which have taken place, and which are the immediate consequence of the war, are in accordance with the general laws and with its private instructions; the preliminary proceedings which must take place between the captor and the captured, and even the decision itself concerning those private interests, are the means of attaining those purposes.

And this deduction from the principles expressed is fully proved by the facts themselves.

Whether the captured party make reclamation or not a capture cannot be considered legitimate without the intervention of the authorities to whom the cognizance of those matters is entrusted by law; that is to say, that the acquiescence of the parties interested does not suffice: but the reverse would be the inevitable logical consequence if prize suits had, as some pretend, the character of a private question, or of a question of *meum* and *tuum*; the consequence would be that the Court would have no jurisdiction unless its action were invoked; the trial would be irregular, because unnecessary; in short the result would be the reverse of that which the laws order. These cases might then either not begin at all, or come to an end without the intervention of the authorities, according to the will of the parties.

But besides the reasons already set forth, there is another more powerful than all the rest, which solves the question in the sense in which it is understood by the Council.

From the capture of a vessel there arises, or may arise, the intervention of diplomacy; and hence the necessity that, in the decision of the cases commenced, the action of the Government should be free to attend to that intervention as far as may be compatible with expediency and justice; hence the necessity that the authority which resolves should not be a Court of Justice, and that the resolution should not have the character of a sentence.

When it is the Government which has to decide by the established courses, perhaps a timely delay, perhaps an interchange of notes or a conference, will bring about an honourable adjustment, and in any case the Government will not adhere solely to the confined and rigorous precepts of the law, but will also be able to take into consideration the possibility that its decision might bring grave complications and detriment of enormous extent upon the country (although triumph might be certain on an appeal to force as the ultimate resource), and, after weighing everything in the balance of its upright judgment, it might resolve accordingly, without losing prestige or importance in the eyes of the world. But, on the contrary, after the sentence of a Court of Justice, which can only take into consideration the strict rights of the case, the Government, in spite of all other high considerations, could do nothing by way of diplomacy without failing in the respect due to an adjudged matter, without violating the commonest principles, without lowering its dignity and laying itself open to censure at home and abroad. It will not be out of place here to remark that the present Spanish laws relating to the procedure in prize cases and to the authority which is to try them, besides being based on just and established principles, are substantially the same as those which were in force between 1748 and 1801, and are in conformity with those of a country so advanced as France.

The Council is of opinion that enough has been set forth to establish the principle of the exclusive competency of the Administration in prize cases, and to show the reach of its organic law, and it will now proceed to consider the effects which that law must have produced on the prescriptions of the old ordinances.

It is true, and the Council acknowledges it, that the Ordinances of Privateering and Sea-registers ("matriculas"), without depriving these matters of their administrative nature, for that was impossible, imparted to them a certain judicial character, as well in the steps to be taken, as by the terms used and the nature of the authority called to resolve and decide on ultimate appeal. This was no doubt an effect of the confusion

which existed in the attributes of the public authorities, and which has been cleared away by the more profound study of the science of administration and government; hence the provisions of the laws of the Royal Council and the Council of State, which, returning to just principles, have substantially re-established the provisions contained in the Ordinances of the Navy.

How far the new legislation has reformed the old is a thing perfectly clear in itself, which does not countenance the violent and untenable interpretations which have been given to the law of the Council of State in this matter, for the purpose of sustaining the competency of the judicial authority.

It is an incontrovertible legal principle, that the later law abrogates the earlier in so far as the precepts of the old one are irreconcilable with the provisions of the new one, although the abrogation may not be expressly declared; and as it cannot with any shadow of reason be maintained that the law which attributes to the Government the decision as to the legality of maritime prizes is reconcilable with the old Ordinances which entrusted those matters in their final stage to the Tribunal of War and Marine—because either the decision of the Government would be inefficacious, or else the matter adjudged would have to be infringed in case the two authorities did not agree—it therefore results that, from the time of the promulgation of the Law of the Council of State, the Ordinances were abrogated as to all that part of them which, by giving a judicial character to prize cases, rendered impossible the exercise of the authority which the said Law of the Council conferred upon the Government.

Neither does the Council think that against the provisions which give an administrative character to prize cases, any solid argument can be drawn from the Treaties in force; and of this point it is fit to make a thorough investigation.

In order to define properly the construction to be put upon the Treaties, it is necessary to examine the matter in three different bearings:—

1. As to the reasons for the capture of a vessel.
2. As to the authority which is to decide upon the legality or illegality of the capture.
3. As to the procedure to be adopted by the authority in order to arrive at the final resolution.

As to the first head, the Council agrees, in accordance with the opinion of the authors of best repute, that although one State declaring war against another can settle in an absolute and unconditional manner the cases in which capture is to be made when the vessels of the other belligerent nation are concerned, yet it is obligatory on the aforesaid State to adhere to the prescriptions of the Treaties, and if there be none, to the generally admitted principles of international law, if damage may accrue to neutral Powers from the orders of the said State.

But, as to the rest, the Council thinks that no nation can dispute the right of a State to establish its Tribunals, or to constitute the authorities which are to intervene in prize cases, or its right to settle the procedure to which those authorities are to conform, such acts being inherent in the sovereignty independently of all foreign interference. All that other nations can require with reference to these points is, that the constituted Tribunals and authorities shall have been constituted by law previously to the fact which is submitted to their cognizance; that they shall offer guarantees of honesty and ability; and that the main foundations of every trial, whatever its nature, viz., the hearing of the interested parties as fully as may be necessary, and such proof as the nature of the questions at issue admits, shall precede the decision. For this reason, in the Treaties, although the cases which may give rise to the capture of a neutral ship are specified, when the authority which is to resolve the question is spoken of, although the Admiralty is mentioned in a general way, as it was at that time the constituted authority throughout Europe, care is taken to add, “or other competent judges,” thus providing for the possible case in which it might be convenient for the respective nations to alter their organization in that respect, implicitly recognizing their right to do so, and always keeping silence as to the procedure.

And the Council, referring to the last Treaty made with England on the subject, signed at Paris in 1763, thinks it right to copy the XVIth Article thereof, which says: “The decision as to the captures of Spanish vessels made in time of peace by the subjects of Great Britain shall be submitted to the Admiralty of Great Britain, according to the rules established among all nations; so that the legality of the said captures between the Spanish and British nations shall be decided and judged according to the law of nations and according to the Treaties, in the Courts of the nation which shall have made the capture.”

From the examination of this Article, two important considerations are deduced, viz. :—

1. That when the matter in question is the legality of the capture, that is to say, the basis of the affair, it is said that it is to be decided according to the law of nations and according to the Treaties, precisely, in fact, what the Council of State has already declared.

2. That in speaking of the authority which is to judge, it is said that it shall be the Court of the nation which shall have made the capture, without specifying the Admiralty, as is specified in the case of Great Britain.

With reference to the same Treaty, the Council would remark that at the time of its ratification the Ordinances of the Navy were in force, according to which prize cases were tried in the Departmental Courts, the Sovereign being the last appeal; and if in the Treaty allusion be made to what was in force at the time, what was then in force was what has virtually been established by the law of the Council of State.

If, on the contrary, in speaking of the Courts of the respective nations, the Treaty referred to the Court which might happen to exist at the time when the prize case was tried, the possibility of some change and the right to make it were recognized, as of course they must be.

Lastly, it is to be observed, that when, at the commencement of the present war, an attempt was made to establish Prize Courts on board the ships of the squadron, England objected, and the Government, considering the just grounds for her observations, determined that the Departmental Junta should constitute the Prize Court; and as England never called in question this determination, it may be inferred that she recognized the right of Spain to take this step.

The Council has entered thus fully into the explanation of this doctrine, because it believes it to be the basis upon which the proper settlement of the points in question must rest; and it deduces, in short, that whatever may have been the character of prize cases formerly, they have not and cannot have any other than an administrative character since the publication of the Organic Laws of the Council of State, and that in accordance with this principle the old Ordinances are abrogated, in so far as they differ from what has recently been established.

Still those Ordinances, apart from the regulations which are at variance with the new legislation, contained many points which had reference to the very essence of the subject, as, for instance, how and in what cases the capture was regular, the authorities whose duty it was to conduct the proceedings, and the steps to be taken for their resolution.

All this, which is perfectly reconcileable with the Law of the Council of State, still exists, and must continue to exist, until something else be determined, inasmuch as whatever has not been expressly annulled by a subsequent law cannot be said to be annulled, if it is compatible with what is contained in that law.

Thus, it follows that the competent authorities to institute proceedings are the Departmental Juntas, or the Naval Captains-General ("Commandantes de Marina"), as the case may be; that the one and the other are bound to observe the direction of the aforesaid Ordinances with regard to the institution of the proceedings; and the proceedings will only be valid in so far as the authority which instituted them was a competent authority, and the prescribed forms should have been duly attended to.

These premises once established, the settlement of the pending questions appears easy to the Council of State, by comparing the case of the "Tornado," as it should have been treated, according to the Law of the Council of State, and that portion of the Ordinances which is still in force, with what has actually been done.

The Council has already said, and believes it has proved, that since the publication of its Organic Law, prize cases have lost their judicial character. The Departmental Junta to which the Ordinances and to which the Royal Order of the 24th of April, 1860, referred to the cognizance of the capture of the "Tornado," ought not to have been ignorant of this fact, and it was its duty to draw up the case in purely declaratory ("instructivas") forms, and afterwards to pass a Resolution of the same character. Yet, as your Excellency will observe, the said Junta acted just as if it had been a regular Court, and as if the former order of things had been still in force. It never appears to have even thought of consulting the Government in the matter, thus producing a veritable conflict embarrassing to the action of the Government, for it would have been difficult to decide how a judicial procedure and a decision of the same character could be administratively reversed.

Fortunately the Supreme Tribunal of War and Marine, to which the captain of the "Tornado" had appealed, got rid of this difficulty by the act wherein, while it inhibited

itself from entering into the merits of the question, because it thought rightly that its competency was at an end, it quashed the act appealed against, no doubt because it understood that all that had been done judicially was null and void.

This obstacle being thus legally removed, and the case only retaining its administrative character, the Government could, upon that ground, examine the matter without difficulty, and see whether its course had been in accordance with the provisions of the Ordinances.

The Council will now proceed to examine the question with this end in view.

The first point which presents itself is that raised by Mr. Collier, namely, that it was not the Departmental Junta, but the Court of the Naval Captain-General, that was bound by the Ordinances to carry on and decide the case in its first stage.

The Council holds that this opinion has no legal ground; and to prove that such is the case, it will be sufficient to give a résumé of the provisions of the Ordinances, with a few short explanatory observations.

Passing over the older legal provisions, and beginning with the Ordinances of the Fleet of 1748, we come to Articles 32, 33, and 34, Title 5, Treaties 6, which determine in the first place that all vessels when cruising shall remit the prizes which they take to the capital of the Department.

2. That they shall send with them the instruments, papers, and notices which may serve for judging of their legality; which papers are to be delivered to the Intendant of the Department, so that from their examination he may declare whether the prizes be good.

3. They establish the mode of proceeding in such cases by the aforesaid Administrative authority.

In 1772 the Economic Juntas took the place of the Intendants, and it was no doubt for this reason that in Article 4 of the Ordinance of the 1st of July, 1779, it was declared that the cognizance of all prizes carried or remitted to the ports of Cadiz, Ferrol, or Carthagena, belonged to the respective Departmental Juntas, in like manner as those taken or carried to the ports of the provinces should be taken cognizance of by the Minister or Commissioner of those provinces.

These provisions having been confirmed by the Ordinance of Privateering of 1794, it was again established by Articles 12 and 17 of the Ordinance of the 20th of June, 1801, that it belonged to the said Juntas to take cognizance with their Auditor of all prizes brought to the capital of the Department, with appeal or reference, in case of a difference of opinion, to the Council of War as it was then constituted; whilst by Article 2, the cognizance of prizes when they came to the ports of the maritime Provinces was reserved for the Naval Captains-General.

In 1802 were published the Ordinances for the regulation and management of the marine registries, which in substance are nothing more than an amplification or extension of the General Ordinances of the Navy. Consequently any point or points not touched upon or revised therein were to be considered as still in force, as they were before under the General Ordinances. Hence, then, inasmuch as the Ordinances of 1802 do not contain any provision relative to prizes made by vessels of the navy, for they only speak of those taken by privateers to the provincial ports (and even in that part they virtually reproduce what had been already provided in the Privateering Ordinance of 1801), it is evident that what had previously been decided respecting the competency of the Juntas to take cognizance in cases of prizes carried to the capital of a Department were to be considered as still in force and vigour.

To conclude on this point, the Registration Ordinances are the complement of naval legislation in prize cases, and they, together with the provisions before referred to, form one body upon that subject. Thus, then, although Article , Title 6, of the said Ordinances assigns to the Naval Captains-General the cognizance of such matters, as was also formerly the case, this must be regarded as exceptional and limited to such prizes as were carried to the provincial ports; for with regard to those which were carried to the capitals of the Departments, the general rule assigns to the exclusive competency of the aforesaid Juntas the power of trying the prizes in first instance and of conducting the proceedings necessary for the Resolution.

This opinion of the Council is borne out by the Royal Order of the 24th of August, 1831, by which, notwithstanding the statement that the Departmental Juntas are not Courts of Justice, their competency to take cognizance of prize cases, in accordance with the aforesaid Articles 12 and 17 of the Privateering Ordinance of 1801, is recognized, which is a further proof that it was not abolished by the Registration Ordinance.

It must be further remarked that when the Royal Order of the 5th of February, 1866, directed that the Prize Court should be established in the Department of Cadiz, in

accordance with existing laws and ordinances, for the trial of those prizes which might be sent to that Department during the war in the Pacific, doubts arose as to how the Tribunal should be constituted; and after the Captain-General had been consulted another Royal Order, bearing date the 24th of April following, was issued, ordering that the Prize Court should consist of the Economic Junta and its Auditor.

This arrangement was also founded on the fact that the Registration Ordinance of 1802 had not annulled, but, on the contrary, confirmed Article 12 of the Privateering Ordinance of 1801, by directing that in prize cases the naval authorities should bear in mind the provisions of this latter Ordinance.

Furthermore, the said Royal Order was based upon what was established for these cases by the General Ordinances, and therefore nobody could then reasonably call in question the legal competency of the aforesaid Junta.

From the foregoing considerations, and from the regulations which have been referred to, it naturally follows that as the steamer "Tornado" was taken by the frigate "Gerona" to the capital of the Department of Cadiz, the Economic Junta of that Department, with its Auditor, had legal competency to entertain and take cognizance of the capture of that vessel, and that Captain Collier's appeal for nullity, upon the ground that the case should have been brought before the Commandancy of the Port, cannot be entertained.

This point, which constitutes the first question, having been decided, after discussing the administrative character of the case and proving, in the opinion of the Council, the competency of the Departmental Junta, the next question for examination is whether it proceeded in accordance with that portion of the General Ordinances which was still in force; and here the Council regrets to have to say again that the Junta did not proceed in the right way. Since, however, this question is one of the utmost importance, it appears necessary to state with some minuteness what are the regulations on the subject.

It has already been stated that the General Ordinances of the Navy assigned to the Departmental Juntas the cognizance of the prizes brought to the Departments, and with regard to the mode of procedure, Article 33, Title 5, Treatise 6, says as follows:—

"Should the prize be unaccompanied ('suelta'), then all instruments, papers, and notices which may serve as evidence as to its legality shall be sent with it, as well as its captain or master and others of the crew who can give evidence and prepare the defence. But if the prize be accompanied by the squadron or the vessel which has taken it, then the captain, agent, or purser shall take charge of all documents, notices, &c., found on board, and deliver them over to the Intendant of the Department, in order that he may examine them and declare whether the prize is good."

Article 34 says:—

"The Intendant of the Department is to proceed in this examination and trial of prizes as quickly as possible, examining the papers after having had them faithfully translated, hearing the captains, masters, and other persons of the captured vessels, as well as the Military Auditor ('Auditor de Guerra'), who shall give his opinion in accordance with the directions of these Ordinances and with such as may have been given in subsequent orders and regulations."

The Privateering Ordinances of 1801 confirmed, by Article 12, the cognizance of prizes in the Departments in which they had been taken; and, with regard to the procedure, it was assigned to the Departmental Juntas, which had taken the place of the Intendants, by the Ordinance of 1779, and only adding that in case of disagreement the proceedings should be remitted to the Council of War, with information of the parties.

The same Ordinances of Privateering, in Articles 13, 14, 15, 16, and 17, speak of the procedure which should be followed in the Courts of the Naval Captains-General, when proceedings are instituted in them, and therein are recognized the summary decision, the subsequent regular trial, and the appeal from the sentences to the Departmental Junta.

Before proceeding further, the Council will say that it believes this procedure to have been annulled by the 5th Article of Title 6 of the Registration Ordinance, because in it the stages were settled minutely for the Marine Commandants without that separation of trials which those for Privateering and Prizes established. Although granting that they would not have been modified in this respect by those of Registration it appears evident that the regular trial ("plenario") and the litigious form have been suppressed since the promulgation of the laws of the Royal Council of State, because, as the latter gave an administrative character to the above-mentioned proceedings, such a character was not to be reconciled with the regular trial and the judicial forms of procedure. But, even, on the contrary suppositions, it ought to be remarked that the dispositions of the Ordinances for Privateering, in the said Articles 13, 14, 15, 16, and

17, being limited to the institution of the proceedings, when these have to be carried on in the Marine Commandancies, in respect of prizes made by privateers, which are the subject of the Ordinances of Privateering; and no rule being specified for those proceedings which would have to be carried on before the Juntas of the Department, it is very plain that, in these cases, the Juntas ought to subject themselves to that which was laid down for the Intendants concerning this matter in the Ordinances for the Navy, paying particular attention to what is laid down in Article 5, Title 6, of those of Registration, which are their complement. Instead of doing this, the Junta of Cadiz prepared the case of the steamer "Tornado" by the forms of procedure prescribed for the Marine Commandancies of the ports in respect of prizes brought there by privateers, beginning with a "Sumario," which ended with a resolution having all the character of a judicial sentence, without hearing the interested parties, and afterwards a "plenario," or regular trial, in which it confirmed the same sentence, all of which produced the complaints and protests of Mr. Collier, and even gave rise to diplomatic reclamations. The Council holds that those proceedings, from the time when they lost the character which they ought to have had, and took that assigned to the Courts of the Naval Captains-General in the Ordinances of Privateering, are not valid.

But, admitting for a moment that the Departmental Junta should have conformed, in the preparation of the case, to the said Ordinances of 1801 made for those which are brought before the Courts of the Naval Captains-General, still that which is in question would not be free from a substantial defect. Their 13th Article directs as follows:—"As soon as a prize is brought into port the Military Commander of Marine, without the least delay and in preference to any other matter, shall, with the help of his assessor, and, if it be necessary, with that of an interpreter, examine the papers which may have been found in the ship. This examination having been completed, he can hear in 'Sumario' the parties concerned upon the charges which they may make reciprocally, and the said Commander shall declare in consequence, within twenty-four hours, or before if possible, if the prize be good or bad."

From the contents of this Article it is deduced that, although in this case, as is supposed, it might be applicable to the Juntas of Departments, the Junta of Cadiz was in fault in not hearing the parties in "Sumario" before passing its sentence upon the charges which they might make reciprocally. Nor would it be excused by saying that the word "can," which the Ordinance makes use of, supposes the faculty of doing it, or not; for it must not be lost sight of, that in those of Registration, which are of later date, and in which the said Article of those on Privateering is copied almost literally, that which might be considered arbitrary was converted into an order; since it says, "And he shall summarily hear the captors and the captured, and with the previous Report of the Auditor, he shall declare on his honour and conscience the legality or invalidity of the prize." There was, therefore, an irregularity in the proceeding which, though of no importance, ought to be repaired in order to remove every shadow of doubt in so delicate a matter.

There is besides another matter in the proceedings against which Mr. Collier has protested, and which ought not to be passed unnoticed, namely, that the chief of the engineers who inspected the "Tornado" took part in the trial as a voting member of the Junta.

It is not an unusual thing, on the contrary it is quite customary, for Tribunals of any description, which have to decide upon a material object, to make themselves, or to commit to one of their members, the ocular inspection of the object in question; but it ought to be remarked that, in the present case, the chief of the engineers did not make the inspection nor determine the conditions of the ship in the character of a delegated co judge ("co-juez"), but as an expert; and this circumstance undoubtedly disqualified him from deciding as a Judge, taking as a foundation for his decision that which he had said as an expert. The Council calls your Excellency's attention to this fact, because it is necessary to avoid its repetition in future.

The Council does not consider it necessary to occupy itself with the other points which the appeal contains, nor with the protests of the captain of the "Tornado," because the former are implicitly decided, and the latter can only be judged upon the final resolution. It will only say, in order that its silence may lead no one into error, that the construction which he puts upon the provisions of the Ordinances concerning the proof is inadmissible; they evidently refer to the captured party, since the contrary would have been to sanction impunity: to understand it thus it is sufficient to consider that for the captured ship to belong to an enemy is reason for the declaration of good prize, although she sail under a neutral flag, if the legitimate transfer be not proved; and it is so likewise if the captain, master, and part of the crew belong to the belligerent nation, all of

which will not certainly be shown from the papers found on board when there are fraudulent proceedings, but from the ulterior steps or from the reliable information which the official Agents of the Government abroad may have transmitted to it beforehand. Touching the complaint respecting the language in which the declarations were heard, the Council considers that it need not stop to demonstrate its irrelevancy; it is sufficient to bear in mind that it is the system universally followed, and that any other course would render the trial and declaration of prizes impossible among all nations.

Without troubling your Excellency with a résumé of what has been set forth, from the whole the Council deduces:—

First. That the proceedings being declared virtually null by the Tribunal of War and Marine, as far as their judicial character is concerned, the Government has the right of examining the case in an administrative sense, and of resolving upon what is fitting.

Secondly. That in this sense the declaration is regular that the conduct of the case belonged, not to the office of the Naval Captain-General, but to the Departmental Junta, to which, at the proper time, the final declaration will belong, subject to that which is laid down in Articles 33 and 34 of Tit. 5, Treatise 6, of the Ordinances of the Navy of 1748; and in the 4th of those of 1799; and in Article 12 of those of Privateering of 1801; and in the latter orders which explain them.

Thirdly. That it is also a regular declaration that the Junta of the Department of Cadiz ought to have conformed in the conduct of the case to that which is laid down in the said Article 34 of the above-mentioned Ordinances of 1748, bearing in mind that which the 5th of Tit. 6 of those of Registration ordains, and the Organic Law of the Council of State.

Fourthly. That consequently it is right to declare that as everything that was done administratively preserves its efficacy as far as folio 25 of the Record, or say, Part III, in which the institution of the proceedings was completed by the transmission of the case to the Junta, whatever was done in an administrative sense after the said folio is of no effect, as was the case with the judicial procedure by the act of the Tribunal of War and Marine.

Fifthly and lastly. That the case should be returned to the Junta of the Department, in order that setting out from the proceedings up to the folio mentioned, which are the base of action, it may hear the interested parties for information, holding a setting in the way which it did to decide the case of the Chilean barque "Alice Ward" on the 22nd of June and 9th of July, 1866, without the Commander of Engineers being present; and having heard the charges and vindications, and weighed the evidence required by the Ordinances, it may pronounce the final resolution which it shall consider just, may acquaint the parties concerned with it, and afterwards remit the case to the Government for its decision after hearing this Body. In which case the claims of Mr. Collier, which have not been settled, will be taken into consideration, as well as those which may be made against the final resolution of the Junta, as far as they deserve it.

Your Excellency will, however, agree with Her Majesty as to what is best.

Madrid, July 10, 1867.

(Signed)

MANUEL DE LEIJAS LOZANO, *President.*
PEDRO DE MADRAZO, *Secretary-General.*

His Excellency the Minister of Marine.

No. 10.

Mr. Forbes Campbell to the Earl of Clarendon.—(Received June 3.)

My Lord,

74, St. James's Street, London, June 2, 1869.

I AVAIL myself of your Lordship's permission to make the following observations upon the two Reports of the Spanish Council of State in the case of the "Tornado," dated respectively the 10th July, 1867, and the 31st March, 1869, and upon the Report of the Spanish Minister of Marine to the Minister of Foreign Affairs dated 30th July, 1868, which papers were transmitted in Mr. Hammond's letter to me of the 29th ultimo:—

1. The "Economic Junta," which condemned the "Tornado" on the 15th of December, 1866, was not a Prize Court constituted in conformity with the "indispensable requisitions of international justice," as laid down in your Lordship's despatches to Mr. Thomson and Sir John Crampton, dated respectively 1st and 20th December, 1865 (see pages 67 and 104 of "Correspondence respecting War between Chile and Spain"). In the former of these despatches your Lordship declared that "the neutral has a right

to be tried before a properly constituted Court, with all the forms as well as the substance of justice. He has a right to agents, counsel, a proper forum, and a proper appellate tribunal." In the latter despatch your Lordship insisted that "a neutral has, by international law, a right to expect that a Civil Judge, of sufficient legal experience and ability, and wholly disinterested in the cause, shall try the question whether his ship has been lawfully seized or not" (see comments in owner's letter to Lord Stanley of the 3rd December, 1867, page 17 of Part I of 1868).

2. Article XXIII of the Consular Convention concluded between France and Spain, 7th January, 1862, stipulates that no judicial proceedings shall be instituted against any French ship or crew in a Spanish port until after due notice shall have been given to the French Consul, who shall be present at every examination of the master and crew by the Spanish authorities for the purpose of preventing mistakes, misapprehension, and the miscarriage of justice. Under the most-favoured-nation clause of our Treaties with Spain, British Consuls, and British ships and crews in Spanish ports are entitled to similar privileges and protection. Yet, in the case of the "Tornado," these stipulations were set at naught, and the British Consul was not permitted to be present at the examination of her master and crew—a clear denial of justice.

3. It is admitted in both the Reports of the Council of State that the Tribunal of San Fernando (or "Economic Junta") was not constituted as the Spanish Ordinances direct, and that its proceedings were irregular and vicious, and contrary to Spanish law. As these proceedings were on appeal "quashed" by the sentence of the Supreme Court of War and Marine of the 23rd May, 1867 (which sentence became definitive and absolute by reason of its not having been appealed from, as is stated in Sir John Crampton's despatch of the 3rd July, 1867) no portion of these proceedings (of which the "Sumario," or Auditor's Report, forms a part) was admissible in any subsequent proceedings before any other Tribunal. The only admissible proofs would have been the ship's papers and other papers found on board, and the *vivá voce* evidence, *de novo*, of the captors and the captured (see owners' letters to Lord Stanley of the 4th June, 1867, at page 1 of Part IX of 1867, and of 3rd December, 1867, at page 17 of Part I of 1868).

4. The service of the sentence of condemnation, and of a copy of the "Sumario," or Auditor's Report, upon the British Consul at Cadiz (see Mr. Consul Graham Dunlop's letter of the 20th December, 1866, page 66 of Part I, 1867), is an admission, on the part of the Spanish authorities, that the "Tornado" is *prima facie* a British, and not a Chilean, ship.

5. At the time of capture no member of the crew was in the service of Chile. John Mc Pherson alone had been, some years ago, in the service of that Republic in a civil capacity, namely, as chief or head working engineer of a revenue steamer of 200 tons burthen. With reference to him, Lord Stanley, after consulting the Law Officers of the Crown, wrote as follows to Sir John Crampton on the 28th November, 1866:—"If it should turn out that the vessel is British, Mc Pherson, whether in the Chilean service or not, could not be lawfully taken out of a British vessel on the high seas, and must be restored to the ship." Lord Stanley added, "that the Spanish authorities had no right to detain and treat the crew of the 'Tornado' as prisoners of war, unless that vessel was actually in the military service of Chile."

6. Throughout these proceedings the Spanish Government does not appear to perceive the wide difference between the case of the capture of an enemy's commissioned ship of war, under enemy's flag, and that of the seizure upon the high seas of an unarmed vessel under neutral flag, bound from one neutral port to another.

7. Nor does the Spanish Government appear to be alive to the responsibility which it incurs towards neutral Powers, through the abuse of its belligerent rights on the high seas, and even within neutral waters. (The "Tornado" was seized within the waters of Madeira.) It forgets, too, that an unjust sentence by one of its Prize Courts is a ground for reprisals.

As regards responsibility, Wheaton says:—"The jurisdiction of the Court of the capturing nation is conclusive upon the question of property in the captured thing. Its sentence forecloses all controversy respecting the validity of the capture, as between claimants and captors, and those claiming under them, and terminates all ordinary judicial inquiry upon the subject-matter. But where the responsibility of the captors ceases, that of the State begins. It is responsible to other States for the acts of the captors under its commission, the moment these acts are confirmed by the definitive sentence of the Tribunals which it has appointed to determine the validity of captures in war."
 "So long," Wheaton resumes, "as seizures are regularly made upon apparent grounds of just suspicion, and followed by prompt adjudication in the usual mode, and until the acts of the captors are confirmed by the Sovereign, in the sentences of the Tribunals appointed

by him to adjudicate in matters of prize, the neutral has no ground of complaint, and what he suffers is the inevitable result of the belligerent right of capture. But the moment the decision of the Tribunal of the last resort has been pronounced (supposing it not to be warranted by the facts of the case, and by the law of nations applied to these facts), and justice has been thus finally denied, the capture and the condemnation become the acts of the State, for which the Sovereign is responsible to the Government of the claimants." (See pages 483, 484, and 489 of Dana's edition of Wheaton's "International Law," 1866.)

Upon this subject Rutherford says:—"The exclusive right of the State to which the captors belong, to adjudicate upon the captures made by them, is founded upon another; that is, its right to inspect into the conduct of the captors, both because they are members of it, and because it is responsible to all other States for what they do in war; since what they do in war is done either under its general or its special commission. The captors are therefore obliged, on account of the jurisdiction which the State has over their persons, to bring such ships or goods as they seize in the main ocean into their own ports, and they cannot acquire property in them until the State has determined whether they were lawfully taken or not. The right which their own State has to determine this matter, is so far an exclusive one, that no other State can claim to judge of their conduct until it has been thoroughly examined into by their own; both because no other State has jurisdiction over their persons, and likewise because no other State is answerable for what they do. But the State to which the captors belong, whilst it is thus examining into the conduct of its own members, and deciding whether the ships or goods which they have seized are lawfully taken or not, is determining a question between its own members and the foreigners who claim the property; and this controversy did not arise within its own territory, but in the main ocean. The right, therefore, which it exercises is not civil jurisdiction, and the civil law which is peculiar to its own territory is not the law by which it ought to proceed. Neither the place where the controversy arose, nor the parties who are concerned in it, are subject to this law. The only law by which this controversy can be determined, is the law of nature, applied to the collective bodies of civil societies, that is, the law of nations."

Rutherford says, further on, "This right of the State to which the captors belong to judge exclusively is not a complete jurisdiction. The captors, who are its members, are bound to submit to its sentence, though this sentence should happen to be erroneous, because it has a complete jurisdiction over their persons. But the other parties to the controversy, as they are members of another State, are only bound to submit to its sentence so far as this sentence is agreeable to the law of nations, or to particular Treaties; because it has no jurisdiction over them, either in respect of their persons, or of the things that are the subject of the controversy. If justice, therefore, is not done to them, they may apply to their own State for a remedy; which may, consistently with the law of nations, give them a remedy, either by solemn war or reprisals." (See Rutherford's Inst., vol. ii, b. ii, cap. 9, sec. 19.)

8. There was nothing unusual or derogatory to the dignity of Spain in the proposal made by Her Majesty's Government—not as the Spanish Council of State supposes, at the suggestion of the owners or crew of the "Tornado," but contrary to the wishes and rights of the crew—that the case should be reheard before a special Tribunal *ad hoc*. Many instances might be mentioned of the appointment of Mixed Commissions to hear and determine the claims of the subjects of neutral Powers arising out of capture in war, and to provide an adequate indemnity between State and State, in cases where satisfactory compensation had not been received in the ordinary course of justice. The Mixed Commission which sat under the Treaty of 1794, between Great Britain and the United States, to determine the claims of American citizens, arising from the capture of their property by British cruisers, "according to justice, equity, and the law of nations," is a notable precedent. Under that Commission full and satisfactory indemnities were awarded, in many cases, where the sentences of condemnation had even been affirmed by the Lords of Appeal.

Under the Treaty of March 28, 1830, between Denmark and the United States (see Marten's "Nouveau Recueil," tome viii, p. 350), an impartial Tribunal, under the sanction of the two Governments, was appointed to re-examine and discuss the cases of irregular or wrongful capture and condemnation of American vessels and cargoes in the Danish Prize Courts, complained of by the United States.

Yet the Spanish Council of State, in its Report of July 10, 1867, says (see page 4), "After the sentence of a Court of Justice which can only take into consideration the strict rights of the case, the Government, in spite of all other high considerations, could do nothing by way of diplomacy without failing in the respect due to an adjudged matter,

without violating the commonest principles, without lowering its dignity and laying itself open to censure at home and abroad." The very reverse of this doctrine is held by all civilized nations. Dana expresses it thus pithily: "The responsibility for the capture and condemnation lying upon the State, as a belligerent act, the State is not bound by a favourable decision of its own Tribunal. It may, and should, notwithstanding the decree of condemnation, make restitution or compensation on the demand of the Sovereign of the claimant if justice or policy require it."

The Report of the Spanish Minister of Marine consists principally of extracts from the "Sumario," and, like that document, is full of extraneous matter, mis-statements, and gross inaccuracies, which have been rebutted and exposed long ago. I need therefore reply only succinctly to the five charges in his Excellency's indictment:—

1. The "Tornado's" papers are declared to be "irregular and contradictory." They were found to be in perfect regularity by the British Consuls at Funchal and Cadiz. Having been published, they speak for themselves, and establish the *prima facie* British character of the vessel.

2. It is asserted "that there exists against the vessel the legal presumption that she carried two sets of papers, founded on the fact that the second berth on the port side of the second lower cabin was broken in after being sealed up," and thence the inference is drawn that "papers were made away with or thrown into the sea." This false accusation, and the inference as to spoliation of papers, have been most conclusively rebutted by the evidence of three impartial witnesses, who were serving on board the "Tornado" on a former voyage, and who have sworn that the hole in the said second berth was cut in the month of June 1866. (See Affidavits at pages 5, 6, and 9 of Part VIII of 1867.) These witnesses are still in Scotland, and, through me, offer themselves for examination by Her Majesty's Government.

3. It is asserted that John McPherson had to do with the fitting-out of the "Tornado," and that he "engaged" for the war service of Chile "the officers, accountants, engineers, blacksmiths, stokers, furnace-servers, and seamen who manned her, and that he gave them advances of wages, journey-money, uniforms, and money for other expenses." These statements are one and all entirely destitute of foundation. John McPherson "engaged" no one for the "Tornado;" he had no power to do so. He was not even known to Captain Collier or the owners. The law of this country in respect of the shipment of crews is precise, and requires that they shall be shipped before an officer appointed by the Board of Trade, and that the contract shall be entered into with them by the owner in person, or by the master on his behalf, and such an engagement as that contended for by the Spanish Minister of Marine would have prevented the "Tornado's" obtaining her *transiri* from the Custom-house at Leith.

4. It is true the "Tornado" was built for war purposes, but Messrs. S. Isaac, Campbell, and Co., on becoming the owners of her, caused her to be denuded of every thing of a warlike character, and sent her out, unarmed and unequipped, for sale at Rio de Janeiro, Buenos Ayres, or San Francisco, which was a legitimate and purely mercantile speculation. The master was not "authorized to go straight from Noronha to the Pacific." He was distinctly instructed to proceed, first to Rio and Buenos Ayres, his *bond fide* destination.

5. It is asserted, with brazen effrontery, that "more than a third part of her crew belonged to a hostile nation." The truth is that, when the "Tornado" sailed from Leith, her crew (55 in all) was composed of 52 British subjects, 1 Swede, 1 Norwegian, and 1 German. (See page 65 of Part II of 1867. See also the Depositions on Oath of the Crew, at page 1 of Part IV of 1867.)

With the exception of John McPherson, who was taken as third mate, on the eve of the steamer's departure, in the place of a man who had failed to muster, no one of the crew was, or ever had been, in the service of Chile, or ever had, at any time, any transaction whatever with the Government of Chile, or had ever been in that Republic.

As the Spanish Minister of Marine refers to a former voyage of the "Tornado" to Hamburg and the Faroe Islands, I beg leave to remind your Lordship that the vessel was then commanded by one Cobby, and manned by a totally different crew. Captain Collier and his officers and crew knew nothing whatever about the Hamburg voyage. They joined the "Tornado" at Leith, between the 6th and 10th of August, 1866, and sailed thence on a *bond fide* "selling voyage" for Rio de Janeiro and Buenos Ayres on the last-mentioned date.

I have, &c.

(Signed)

D. FORBES CAMPBELL.

Inclosure in No. 10.

Article XXIII of the Consular Convention of 7th January, 1862, between France and Spain.

ARTICLE XXIII. Les Consuls-Généraux, Consuls, ou Agents Consulaires pourront aller personnellement ou envoyer des délégués à bord des navires de leur nation après qu'ils auront été admis en libre pratique, interroger les capitaines et l'équipage, examiner les papiers de bord, recevoir les déclarations sur leur voyage, leur destination, et les incidents de la traversée, dresser les manifestes et faciliter l'expédition de leurs navires. Enfin les accompagner devant les Tribunaux de Justice et dans les bureaux de l'administration du pays, pour leur servir d'interprètes et d'agents dans les affaires qu'ils auront à suivre ou les demandes qu'ils auraient à former.

Il est convenu que les fonctionnaires de l'ordre judiciaire, et les gardes et officiers de la Douane, ne pourront, en aucun cas, opérer ni visites ni recherches à bord des navires sans être accompagnés par le Consul ou Vice-Consul de la nation à laquelle ces navires appartiennent.

Ils devront également donner avis, en temps opportun, aux dits Agents Consulaires, pour qu'ils assistent aux déclarations que les capitaines et les équipages auront à faire devant les Tribunaux et dans les administrations locales, afin d'éviter ainsi toute erreur ou fausse interprétation qui pourrait nuire à l'exacte administration de la justice.

La citation qui sera adressée aux Consuls et Vice-Consuls pour ces sortes de diligences indiquera une heure précise, &c.

(Translation.)

ARTICLE XXIII. The Consuls-General, Consuls, or Consular Agents may go in person or send delegates on board the ships of their country, after they shall have obtained "pratique" (or health certificate), to interrogate the masters and crews, examine the ship's papers, receive declarations respecting the voyage, their destination, and the incidents of their passage; to draw up manifests, and facilitate the dispatch of their ships; further, to accompany them before the Courts of Justice and in the offices of the administration of the country, in order to act as their interpreters and agents in the business which they may have to transact, or the demands which they may have to make.

It is agreed that the functionaries of the judicial order, and the tidewaiters and officers of Customs, shall not, in any case, either visit or search ships unless accompanied by the Consul or Vice-Consul of the country to which those ships belong.

They shall likewise give timely notice to the said Consular Agents, in order that they may be present at the declarations which the masters and crews may have to make before the Courts and in public offices, in order thereby to prevent any mistake or misinterpretation which might hinder the strict administration of justice.

The citation to be addressed to the Consuls and Vice-Consuls, in proceedings of the before-mentioned description, shall fix an hour precisely.

No. 11.

The Earl of Clarendon to Mr. Ffrench.

Sir,

Foreign Office, June 7, 1869.

I HAVE to inform you that M. Tassara called to take leave of me to-day, and, in compliance with my urgent request, he has promised to recommend the case of the crew of the "Tornado" to the generous consideration of the Spanish Government.

I am, &c.

(Signed) CLARENDON.

Captain Collier to the Earl of Clarendon.—(Received June 7.)

My Lord,

1, *Hurdwick Place, Harrington Square, June 7, 1869.*

I TAKE the liberty of informing your Lordship that I have just returned to this country from a voyage to the West Coast of Africa, and shall be extremely obliged if your Lordship will inform me if there is any more chance of a settlement being arrived at with the Spanish Government than there was two years ago, as this loss and anxiety to me is something almost unprecedented.

An early reply will much oblige.

I have, &c.

(Signed) EDWD. M. COLLIER,
Late Commander of the British steamer "Tornado."

Messrs. Isaac, Campbell, and Co. to the Earl of Clarendon.—(Received June 9.)

My Lord,

7, *East India Avenue, Leadenhall Street, London,*
June 7, 1869.

WE have the honour to acknowledge the receipt of your Lordship's letter of the 29th ultimo, transmitting a copy of a note addressed to Her Majesty's Minister at Madrid by Señor Lorenzana, and inclosing a translation of the Report of the Council of State setting forth the grounds on which our ship the "Tornado" has been condemned, and the reasons why the Spanish Government have declined to comply with the request of Her Majesty's Government to appoint a Special Tribunal for the final hearing of this case. Your Lordship has also been good enough to invite us to furnish further observations on this case, and particularly with respect to the allegations contained in the Report of the Council of State that we have not availed ourselves of the opportunities afforded us for obtaining a hearing before that Body, and that we must have been aware of the form in which it was necessary to present our case and proofs before the Council. We readily respond to your Lordship's invitation.

The Report of the Council of State is directed mainly to an attempt to relieve the Spanish Government of their obligation to redeem the solemn assurance given by their predecessors (whose acts in this case they have adopted) in the notes of the Spanish Minister of State of the 11th December, 1865, and 21st November, 1866, that claimants in the position of the owners of the "Tornado" have a right of appeal to the Council of State from the decision of a Spanish Prize Court, and that this right should be secured in our case. The Report seeks to show that the note of Señor Bermudez de Castro was not written in view of the case of the "Tornado," and therefore has no reference to it; although the case which occasioned that note occurred during the war with Chile, and only a few months before the capture of the "Tornado." It was the direct result of a vigorous protest addressed by your Lordship to the Spanish Government at that time against certain proceedings in prize adopted by the Spaniards in reference to a vessel under the protection of the British flag. And your Lordship on that occasion claimed for the neutral the "right to be tried before a properly constituted Court in the country of the captor, presided over by a Civil Judge, with all the forms as well as the substance of justice," and "a right to agents, counsel, a proper forum, and a proper appellate Tribunal."

The note of General Calonge is dealt with in a less direct manner. It is not denied,—for it could not be, with General Calonge's note on record,—that an appeal was guaranteed to the owners of the "Tornado" by that Minister. But the onus of not prosecuting that appeal is sought most dishonestly to be cast upon us, as thus: "The ship having been declared a good prize, the case was sent up to the Government, and was by the latter handed to the Council for revision and opinion, and before this high Body they might likewise not only have induced the arguments which they did not choose to bring before the Tribunal at Cadiz, but they might also have amplified their defence and justifications, as had been promised to them in the second of the notes referred to; for the non-litigious character of the matter would have been no obstacle to that."

Now, my Lords, what are the facts? Our ship was seized on the 22nd of August, 1866, in the neutral waters of Madeira. A Tribunal, which passes in Spain for a Prize

Court, but which we do not believe has its parallel in any other civilized State, held its sittings at Cadiz with closed doors, and which resulted, on the 16th December following, in a sentence of condemnation. The proceedings of this Court were pronounced by the Supreme Council of War and Marine to be irregular and improper, and on the 23rd of May, 1867, the sentence was formally revoked. Respecting the sentence and the proceedings on which it was based, your Lordship's predecessor wrote to Sir John Crampton on the 12th of March, 1867, in these terms:—

“As regards the ship herself, I have to instruct you to state to the Spanish Government that Her Majesty's Government must maintain that the proceedings at Cadiz, terminating with the sentence of the 16th December, 1866, are absolutely null and void, and that, consequently, any ulterior proceedings based upon them, tending to the condemnation of the vessel, are equally so.

“Relying on this view of the case, Her Majesty's Government would have felt warranted in requiring the release of the vessel, were it not that attempts are being made which, if successful, would set aside the original proceedings altogether; in which case, the Spanish Government, no longer relying on the proceedings at Cadiz, may desire to have recourse to another form of procedure more conformable to international law, and in harmony with what the Spanish lawyers affirm to be the laws and institutions of Spain.”

Notwithstanding, however, this distinct and apparently resolute protest, and the still stronger language contained in Lord Stanley's despatch of the 8th of February, 1867, as to the “mockery” of renewed proceedings before the same Court which pronounced the original sentence of condemnation, his Lordship permitted “ulterior proceedings” to be taken before the same Prize Court assembled at Cadiz, where the same evidence which had been employed on the former trial, and no other, was adduced; evidence which had been most accurately described by Lord Stanley as a sort of farrago “collected from newspapers, from diplomatic correspondence, public Acts of State, the conduct of other vessels, and various other sources,” and “produced behind the backs of the claimants.”

Before the Court thus constituted we were cited to appear; and we did appear. But finding the Tribunal composed, with one exception, of the same persons who composed the former Court, and that they proposed to proceed upon so much of the condemned evidence of the “Sumario” as might suit their purpose—relying, moreover, on the assurance of the Spanish Government that the case would be heard on appeal before the Council of State, our counsel took the best course open to him, namely, to protest against the proceedings as illegal and a mere mockery of justice. Moreover, to have adopted any other course would have been to have acted in disregard, if not in contempt, of the suggestions of Her Majesty's Government, who urged us to submit our case to the Spanish procedure, with the intimation that we might reckon upon support if justice were not done. It was not to be wondered at that the same Court, with the same evidence before it, should have arrived a second time at the same conclusion. The ship was a second time condemned, and on the 1st of July, 1868, the case passed to the Council of State. On the 6th of that month a Petition was presented (“Tornado Correspondence,” No. 1, 1869, page 17) by Señor Eusebio Casaes y Castro, on the part of the owners, to the Minister of Marine, praying that they might be heard by the Council of State before that body arrived at a decision. We give the result in the language of our counsel, Señor Retortillo, as set out in the “Tornado Correspondence,” No. 1, 1869, page 44: “As soon as the Cadiz Court declared the ‘Tornado’ to be a good prize, her owners sent a Memorial to the Minister of Marine, begging him to decide certain previous questions unprecedented in Spain, so that they might at once present their written defence in due form. But the Minister of Marine did not reply to the Memorial, and while the interested parties were anxiously awaiting an answer, the Spanish Government passed the case to the Council of State, which issued its Report with extraordinary quickness. The owners of the ship were ignorant of all this. A few days afterwards, the Spanish Government definitively declared the ‘Tornado’ to be a good prize, and the Marquis de Roncali addressed a despatch to Her Britannic Majesty's Legation, dated the 25th of August last (‘Tornado Correspondence,’ No. 1, 1869, pages 31 and 32) communicating that decision. In due time the owners of the ‘Tornado’ took official steps in order that the Council of State might have examined their defence before issuing a Report, but the Spanish Government took no notice of those steps, thus causing the defendants to be left without making their defence; and this is contrary to what is prescribed by law, and to the engagements entered into by Spain, for they ignored the administrative practice of Spain, and, above all, they infringed the principles and practices of international law, which are based on the reciprocal good faith of nations.”

Your Lordship will therefore see that so far from refusing or neglecting to "take the opportunity of justifying ourselves," as this Report falsely asserts, we really availed ourselves of every opportunity and of every form for presenting our case, which our counsel, learned in the Spanish law and throughout most vigilant of our interests, could seize or suggest to obtain a fair hearing.

But it is abundantly clear that such a bearing never was contemplated by the Spanish authorities. The procedure and decision of the first Prize Court were immediately quashed by the superior jurisdiction, yet the second was so constituted, and the proceedings so arranged, as to be nothing more than a repetition of the legal farce which had been enacted a few months previously. When the second decision was sent to Madrid, we received no notice or citation to enter upon our defence there. The petition we presented praying to be heard before the Council was simply ignored. The last stage of the case was hurried through with "extraordinary quickness;" and now, in the face of these facts, the Spaniards have the audacity to assert that it is our own fault that we have not been heard.

The truth is, it never was the intention to hear us; and this misrepresentation is merely resorted to in order to avoid the consequences in which the Spanish Government see their illegal and oppressive conduct is likely to involve them. Beyond that they have obviously no concern or respect either for their own laws or for the law of nations.

We have confined ourselves to a reply to the points indicated in your Lordship's communication. Upon the merits of our case we have not entered. But this we may venture to state, that no evidence worthy of the name has yet been produced by the Spanish Government in support of the confiscation of our property. We undertake to satisfy Her Majesty's Government, if called upon to do so, that the allegation that our ship when captured was a war-vessel and Chilean property is utterly destitute of foundation; that the "Tornado" is a British ship, and our property, and that she was taken in the prosecution of a lawful voyage and in neutral waters. This being so, we cannot, and we do not, believe that the Government of this country, even after this lengthened controversy, will allow us to be sacrificed rather than incur the passing inconvenience which may be involved in the adoption of a resolute policy towards Spain.

To suffer the Spanish Government to profit by their own wrong in this matter will be to establish a precedent alike subversive of the maritime interests of this country and derogatory to the reputation of the British flag.

We have, &c.

(Signed) S. ISAAC, CAMPBELL, AND Co.

No 14.

Mr. Hammond to Captain Collier.

Sir,

Foreign Office, June 9, 1869.

I AM directed by the Earl of Clarendon to acknowledge the receipt of your letter of the 7th instant, on the subject of the case of the "Tornado;" and I am to express to you his Lordship's regret that he is unable to say when the matter will be decided.

I am at the same time to add that the last answer of the Spanish Government has been communicated to Messrs. Isaac, Campbell, and Co. for any observations they may desire to offer.

I am, &c.

(Signed) E. HAMMOND.

No. 15

The Earl of Clarendon to Mr. Ffrench.

Sir,

Foreign Office, June 25, 1869.

I HAVE to acquaint you that Her Majesty's Government, after the fullest consideration, have come to the conclusion that, although there are many circumstances connected with the proceedings against the steamer "Tornado" to which exceptions might very reasonably be taken, yet upon the whole they are prepared to acquiesce in the sentence of condemnation.

As regards the crew, I have to acquaint you that before Señor Tassara left this country, I requested him, on his return to Madrid, to bring their case under the favour-

able consideration of the Spanish Government; and I have to instruct you to ask him whether he has done so; and you will also inquire of the Minister of Foreign Affairs whether the Government is disposed to give them any pecuniary assistance, and to what amount. In the case of persons in their circumstances, and especially of those among them who may have families dependent on them, the loss of employment and the other hardships which they have undergone in consequence of their connection with the vessel, may well deserve the generous consideration of the Spanish Government.

I am, &c.

(Signed) CLARENDON.

No. 16.

Mr. Hammond to Mr. Forbes Campbell.

Sir,

Foreign Office, June 25, 1869.

I AM directed by the Earl of Clarendon to acquaint you that, after the fullest consideration given, in communication with the Law Officers of the Crown, to all the circumstances connected with the capture and condemnation of the steamer "Tornado," Her Majesty's Government have come to the conclusion that they cannot but acquiesce in the condemnation of that vessel.

Lord Clarendon has nevertheless taken steps to bring the case of the crew under the favourable consideration of the Spanish Government, and you will be hereafter informed of their result.

I am, &c.

(Signed) E. HAMMOND.

No. 17.

Mr. Hammond to Messrs. Isaac, Campbell, and Co.

Gentlemen,

Foreign Office, June 25, 1869.

I AM directed by the Earl of Clarendon to acquaint you that, after the fullest consideration given, in communication with the Law Officers of the Crown, to all the circumstances connected with the capture and condemnation of the steamer "Tornado," Her Majesty's Government have come to the conclusion that they cannot but acquiesce in the condemnation of that vessel.

I am, &c.

(Signed) E. HAMMOND.

No. 18.

Captain Collier to the Earl of Clarendon.—(Received June 25.)

My Lord,

1, Hurdwick Place, Hampstead Road, [no date].

I HAVE the honour to inform your Lordship that I am again about leaving England, and shall be glad to know if your Lordship thinks that my so doing at the present time would at all be detrimental to my claim in the "Tornado" case.

I have, &c.

(Signed) EDWD. M. COLLIER,

Late Commander of the British steam-ship "Tornado."

No. 19.

Mr. Hammond to Captain Collier.

Sir,

Foreign Office, June 28, 1869.

IN reply to your letter, without date, which was received on the 25th instant, I am directed by the Earl of Clarendon to state to you that as regards your connection with the "Tornado" case his Lordship sees no reason why you should remain in England.

I am, &c.

(Signed) E. HAMMOND.

Mr. Ffrench to the Earl of Clarendon.—(Received July 6.)

(Extract.)

Madrid, July 2, 1869.

WITH reference to your despatch of the 25th of June, I have the honour to state that Señor Silvela has promised me to bring the question of giving pecuniary assistance to the crew of the "Tornado" before the Council of Ministers, and that he will do the utmost in his power to obtain such for them.

His Excellency added, however, that the sum would and could in all probability be but a small one, as it would have to be inserted in the Budget and discussed by the Cortes. Moreover, they have to contend with the opposition evinced by the Members of the Cortes to any proposition of this nature.

Señor Tassara had already written to Señor Silvela, expressing your Lordship's wishes on this subject; but his note pressing for compensation had been received previous to the acquiescence of Her Majesty's Government in the sentence of condemnation, and had not been acted upon.

I inclose herewith a copy of the note which I have addressed to the Minister of State, embodying your Lordship's instructions on this subject.

Inclosure in No. 20.

Mr. Ffrench to Señor Silvela.

M. le Ministre,

Madrid, July 2, 1869.

I HAVE the honour to acquaint your Excellency that Her Majesty's Government, after the fullest consideration, have come to the conclusion that, although there are many circumstances connected with the proceedings against the "Tornado" to which exception might reasonably be taken, yet upon the whole they are prepared to acquiesce in the sentence of condemnation. As regards the crew I am requested to inquire of your Excellency whether the Spanish Government is disposed to give them any pecuniary assistance, and to what amount.

In the case of persons in their circumstances, and especially of those among them who may have families depending upon them, the loss of employment, and the other hardships which they have endured in consequence of their connection with the vessel, may well deserve the generous consideration of the Spanish Government.

In bringing the above to your Excellency's knowledge I may express the hope that you will use your utmost endeavours to procure a favourable solution to the matter in question.

I avail, &c.

(Signed) R. PERCY FFRENCH.

No. 21.

Mr. Ffrench to the Earl of Clarendon.—(Received July 20.)

(Extract.)

Madrid, July 16, 1869.

SEÑOR SILVELA told me that he would present a project to the Council of State this morning, proposing that a present should be made to the crew of the "Tornado;" but he added that it would be a difficult matter to negotiate, on account of the strong opposition shown by the Cortes to the disbursement of any funds where they were not legally obliged to do so.

No. 22.

The Earl of Clarendon to Mr. Ffrench.

(Extract.)

Foreign Office, July 21, 1869.

I HAVE received your despatch of the 16th instant, reporting a conversation with Señor Silvela on the subject of the request of Her Majesty's Government for compensa-

tion for the crew of the "Tornado;" and I have to instruct you to state to Señor Silvela that Her Majesty's Government receive his assurances in regard to this matter with satisfaction, and they rely on his goodwill to do all that is possible to settle the question.

No. 23.

Mr. Ffrench to the Earl of Clarendon.—(Received July 29.)

(Extract.)

Madrid, July 26, 1869.

I HAVE the honour to transmit herewith translation of a note which I have received from the Spanish Minister of State, respecting the pecuniary compensation which may be offered to the crew of the "Tornado."

Inclosure in No. 23.

Señor Silvela to Mr. Ffrench.

(Translation.)

Sir,

Madrid, July 24, 1869.

I HAVE had the honour to receive your note of the 2nd instant, in which you inform me, in accordance with instructions received, that the British Government is disposed to acquiesce in the sentence on the "Tornado;" but that, with regard to her crew, whose families have suffered much by their connection with the suit, your Government begs that pecuniary assistance may be given, desiring to know the amount thereof previously.

In reply, I have to state to you that the wishes of the Spanish Government, as regards the termination of the matter before us, are identical with those of the Cabinet of London; and that the political views of his Highness the Regent of the Kingdom, coincide with everything that can contribute to strengthen, on bases of straightforward and friendly correspondence, the relations between the two countries.

Consequently, the Government is specially satisfied with the view taken by Lord Clarendon of the "Tornado" question, and we should not consider that we had properly responded to the sentiments which appear to inspire that Minister, if we hesitated to comply with his indications concerning pecuniary assistance to the crew of the said vessel, in spite of the sacrifices which such a course imposes on the Treasury, already overburdened with the numerous calls upon it.

In strict legal justice, there is no ground for claiming indemnification as a right, but generosity consents to remedy the misfortunes, unmerited perhaps, of those persons in whose favour, as unfortunate individuals, the British Government intercedes.

I have much pleasure, therefore, in announcing to you that, according to the decision of the Council of Ministers, as soon as you designate those of the crew of the "Tornado" who, on account of their poverty, are worthy to aspire to the pecuniary assistance mentioned in your aforesaid note, and when the British Government agrees to the sum to be assigned for that purpose, concerning which the Minister of Marine, who is the competent person in the matter, has been consulted, the Cortes will be asked for the credit necessary for meeting the expense in question.

In the meantime, I congratulate myself that thus the affair of the "Tornado" will be concluded once for all, and I am happy in the belief that the British Government will appreciate the conduct of Spain, as a proof of the special deference with which it treats them.

I avail, &c.

(Signed) M. SILVELA.

No. 24.

The Earl of Clarendon to Mr. Ffrench.

Sir,

Foreign Office, August 4, 1869.

HER Majesty's Government learn with much satisfaction from your despatch of the 26th ultimo that the Spanish Government are disposed to compensate the crew of the "Tornado;" and I have to instruct you to thank Señor Silvela for his good intentions, which Her Majesty's Government earnestly hope will be realized.

As regards the observations in Señor Silvela's note to you with reference to the amount which Her Majesty's Government consider might be assigned to the crew, I have to instruct you to point out to his Excellency that fifty-two persons who comprised the crew of the "Tornado" have solemnly declared that money, clothes, and other private property, amounting in value to 1,093*l.* 7*s.* 2*d.*, was forcibly taken from them by the Spaniards concerned in the capture of the vessel; and Her Majesty's Government hope that this sum will be repaid, and that the Government of Spain will at the same time be generously disposed to award a liberal indemnity to these men for their unnecessary long detention, and the great privations to which they and their families have in consequence been exposed.

I am, &c.
(Signed) CLARENDON.

No. 25.

Mr. Ffrench to the Earl of Clarendon.—(Received August 20.)

My Lord,

San Ildefonso, August 12, 1869.

WITH reference to your Lordship's despatch of 4th August, I have the honour to inclose, herewith, copy of the note which I have this day addressed to Señor Silvela, on the subject of compensation to be granted to the crew of the "Tornado."

I have, &c.
(Signed) R. PERCY FFRENCH.

Inclosure in No. 25.

Mr. Ffrench to Señor Silvela.

M. le Ministre,

San Ildefonso, August 12, 1869.

I AM directed by Her Majesty's Government to express to your Excellency the satisfaction with which they have learnt that the Spanish Government are disposed to compensate the crew of the "Tornado;" and to thank your Excellency personally for the good intentions which Her Majesty's Government earnestly hope will be realized.

With respect to your Excellency's demand as to the sum which Her Majesty's Government consider might be assigned to the crew, I have been instructed to point out to your Excellency that fifty-two persons, who composed the crew of the "Tornado," have solemnly declared, that money, clothes, and other property, amounting in value to 1,093*l.* 7*s.* 2*d.*, was forcibly taken from them by the Spaniards concerned in the capture of the vessel; and Her Majesty's Government hope that this sum will be repaid, and that the Government of Spain will, at the same time, be generously disposed to award a liberal indemnity to these men for their unnecessary long detention, and the great privations to which they and their families have, in consequence, been exposed.

I avail, &c.
(Signed) R. PERCY FFRENCH.

No. 26.

Mr. Forbes Campbell to the Earl of Clarendon.—(Received November 12.)

My Lord,

74, St. James's Street, London, November 11, 1869.

ON the 25th of June last, Mr. Hammond, by your Lordship's directions, acquainted me that steps had been taken by Her Majesty's Government to bring the case of the "Tornado's" crew under the favourable consideration of the Spanish Government, and that I should be informed of their result.

I therefore beg leave, respectfully, to inquire what has been the result of those steps.

I have, &c.
(Signed) D. FORBES CAMPBELL.

No. 27.

Mr. Ffrench to the Earl of Clarendon.—(Received November 13.)

(Telegraphic.)

Madrid, November 13, 1869.

SPANISH Government have proposed to give 1,500*l.* compensation to sufferers of "Tornado," to be distributed as Her Majesty's Government may think proper. They reject accusation against Spanish sailors, as being false and injurious. Will Her Majesty's Government accept this sum?

No. 28.

Mr. Hammond to Mr. Forbes Campbell.

Sir,

Foreign Office, November 16, 1869.

IN reply to your letter of the 11th instant, I am directed by the Earl of Clarendon to state to you, that it appears, from information which his Lordship has just received from Her Majesty's Chargé d'Affaires at Madrid, that, in consequence of the representations which he was instructed to make in behalf of the officers and crew of the "Tornado," the Spanish Government propose to award 1,500*l.* to the sufferers, to be distributed as Her Majesty's Government may think proper; and looking to the affidavit with regard to their losses which was made by the ship's company on the 6th of March, 1867, and according to which their losses were estimated to amount to 1,093*l.* 7*s.* 2*d.*, it will be for the parties interested to decide whether the offer of the Spanish Government should not at once be accepted.

I am, at the same time, to add that the Spanish Government reject the imputation brought against the Spanish sailors, that they had forcibly seized money, clothes, and other private property belonging to the crew of the "Tornado."

I am, &c.

(Signed) E. HAMMOND.

No. 29.

Mr. Ffrench to the Earl of Clarendon.—(Received November 17.)

My Lord,

Madrid, November 13, 1869.

I HAVE the honour to transmit herewith to your Lordship translation of a letter which I have just received from Señor Martos, proposing, on the part of his Government, to grant a sum of 1,500*l.* to the sufferers of the "Tornado," to be distributed as Her Majesty's Government may think proper.

He states that the Minister of Marine, after minute examination of the facts, declares the accusation of robbery on the part of the Spanish sailors to be false and injurious; and that His Highness the Regent has granted this compensation in deference to the recommendations of Her Majesty's Government, and in order to conclude an affair which might become prejudicial to the relations of good intelligence between the two countries.

I have, &c.

(Signed) R. PERCY FFRENCH.

Inclosure in No. 29.

Señor Martos to Mr. Ffrench.

(Translation.)

Sir,

Madrid, October 29, 1869.

YOUR note of the 12th of August last reached this Ministry in due course. In that note, replying to mine of the 24th of July, concerning the crew of the "Tornado," you state that several members of the same have declared that the captors of the said vessel took away from them money and effects to the amount of 1,093*l.* 7*s.* 2*d.*, and that, consequently, the British Government hope that that sum may be repaid to them, besides the sum which may be given them as pecuniary assistance in compensation for their sufferings, as was stated in my aforesaid note of the 24th July.

The Minister of Marine, having been informed of the whole matter, has taken notice in his reply of the declaration of the crew of the "Tornado" mentioned by you, and, with reference to the inquiries made as to the facts in question while the prize suit was in progress, he qualifies as false the injurious assertion which imputes to Spanish sailors the forcible seizure of valuable goods belonging to the crew of the "Tornado."

In fact, when, soon after the capture of this vessel the British Consul at Cadiz and the said crew complained of the ill-treatment and violence to which they were supposed to have been subjected, the Spanish authorities made careful inquiry into the facts for the complete satisfaction of justice, and no proof resulted in support of the imputations against the crew of the frigate "Gerona," to which vessel the prize surrendered.

And now, confining myself to the means of terminating this matter, according to the indications of the British Government, I consider that the moment has arrived for proposing to you, in conformity with that which has been communicated to me by the Minister of Marine, and with reference to my note of the 24th July) that the sum to be paid by the Spanish Government as pecuniary assistance to the crew of the "Tornado," in view of their unfortunate position, as was mentioned in the said note, be 1,500*l.*, to be distributed by the British Government, it being understood that the payment of that sum shall completely put an end to any kind of reclamation based on the capture of that vessel.

This decision of His Highness the Regent is chiefly caused by the desire of showing deference to the recommendations of the Cabinet of London in favour of the persons in question, thus also putting an end to a question which might be prejudicial to the good intelligence between the two Governments.

I avail, &c.
(Signed) CRISTINO MARTOS.

No. 30.

Messrs. Barnett and Palmer to the Earl of Clarendon.—(Received November 20.)

My Lord,

London, November 18, 1869.

WE have the honour to address your Lordship in our capacity of Inspectors of the Estate of Messrs. S. Isaac, Campbell, and Co., of this city, the owners of the British screw-steamer "Tornado," which firm suspended payment on the 6th of June last.

It appears, from their books, that the "Tornado" is their property, and that she has cost them upwards of 64,000*l.*

It is of importance that this large asset should be realized with the least possible delay; and we therefore feel it to be our duty, in the interest of the creditors, to appeal to Her Majesty's Government, and ask them most respectfully, but urgently, to insist on the restitution of the "Tornado," and the payment of adequate indemnification to her owners for the heavy losses which they have sustained through her wrongful capture and condemnation.

We have, &c.
(Signed) EDWARD BARNETT,
134, Minories, London.
WILLIAM PALMER,
Market Street, Bermondsey.

No. 31.

*Mr. Otway to Mr. Barnett.**

Sir,

Foreign Office, November 22, 1869.

IN reply to the joint letter from Mr. Palmer and yourself of the 18th instant, I am directed by the Earl of Clarendon to inform you that Her Majesty's Government have acquiesced in the condemnation of the "Tornado," and that Messrs. Isaac, Campbell, and Co. were so informed on the 25th of June last.

I have, &c.
(Signed) ARTHUR OTWAY.

* A similar letter was addressed to Mr. Palmer.

Mr. Forbes Campbell to the Earl of Clarendon.—(Received November 23.)

My Lord,

74, St. James's Street, London, November 22, 1869.

I HAVE the honour to acknowledge the receipt of a letter from Mr. Hammond, dated the 16th instant, in which he, by your Lordship's directions, acquaints me that the Spanish Government propose to award 1,500*l.* to the officers and crew of the "Tornado," as a compensation for their ill-usage and unjust imprisonment.

On behalf of these men I beg leave, with the greatest respect, to observe to your Lordship that the sum proposed is preposterously small, and that the crew can only regard such an offer as a mockery. Either they were unjustly imprisoned and cruelly treated, or they were not. If they had not been ill-treated, the Spanish Government would never have made an offer at all. But they have done so, and have thus acknowledged the wrong. They have, in fact, pleaded guilty to the wrongs committed against the crew of the "Tornado." I trust your Lordship will not see fit to permit the wrong-doers to assess the damages due by them.

If the proposed sum be rateably distributed among the 55 sufferers in proportion to their respective wages, the share of each "able-bodied seaman" would amount to the miserable pittance of 15*l.* 8*s.* In my letter of April 15, 1867, I stated that my constituents deemed themselves entitled, at the very least, to 12,500*l.* as indemnification for their prolonged illegal imprisonment and cruel treatment. That sum, if rateably distributed, would give 100*l.* to each able-bodied seaman, and leave 2,762*l.* 10*s.* for distribution, as special indemnification, to those men who were kept in irons, seriously injured, ruptured, or stabbed, as is shown in the inclosed scheme of distribution.

Shipowners and other competent judges have been consulted respecting the amount of indemnification to which the crew are entitled, and all of them concur in regarding the amount claimed as moderate, under the aggravated circumstances of their case. Certainly no one of the "Tornado" prisoners would consent to undergo again the torture, privations, misery, and ignominy to which they were subjected during the six months they were in the clutches of the Spaniards, for the money now claimed as "indemnification" or "compensation."

It is in vain that the Spanish Government deny the plainly-established fact that the crew of the "Tornado" were robbed by their Spanish captors of money, clothes, and other private property, to the value of 1,093*l.* 7*s.* 2*d.* The testimony of the British Consul at Cadiz is conclusive on that point, irrespective of the crew's affidavits. He often visited these unfortunate British seamen in their destitution, and helped to clothe them. He has borne witness that none of the valuable chronometers, watches, nautical instruments, &c., the private property of the officers, were ever restored to them, although, as I observed in a former letter, "the crew were as clearly entitled to the restitution of their personal effects as they were to their personal liberty."

I beg leave to add that the crew, relying on the opinion of Her Majesty's present Attorney-General that "they have a well-grounded claim to compensation," and standing upon their unquestionable rights as British subjects, must once more, respectfully but urgently, solicit Her Majesty's Government to enforce the demand made on their behalf by Sir John Crampton on the 11th February, 1867.

I have, &c.

(Signed)

D. FORBES CAMPBELL

P.S.—If the amount of which the crew were robbed, say 1,093*l.* 7*s.* 2*d.*, be deducted from the 1,500*l.* offered, the balance of 406*l.* 12*s.* 10*d.*, rateably distributed, would give each able-bodied seaman 4*l.* 3*s.* 6*d.*, or a little more than one month's wages for six months' imprisonment.

D. F. C.

Inclosure in No. 32.

GENERAL INDEMNIFICATION.

PROPOSED Rateable Apportionment of Indemnification among the Crew of the "Tornado," according to their respective Wages.

No.	Capacity.	Wages per Calendar Month.	Aggregate Wages per Calendar Month.	Pro rata Share of Indemnification per Head.	Total Amount of Indemnification.
		£ s.	£ s.	£ s.	£ s.
1	Master	50 0	50 0	1,250 0 × 1	1,250 0
2	First Engineer	20 0	20 0	500 0 × 1	500 0
1	First Mate	16 0	16 0	400 0 × 1	400 0
1	Second Engineer	14 0	14 0	350 0 × 1	350 0
2	Officers	12 0	24 0	300 0 × 2	600 0
10	Officers and Engineers	10 0	100 0	250 0 × 10	2,500 0
1	Officers' Cook	8 0	8 0	200 0 × 1	200 0
1	Engineers' Steward	6 0	6 0	150 0 × 1	150 0
4	Stewards and Cooks	5 0	20 0	125 0 × 4	500 0
10	Firemen	4 10	45 0	112 10 × 10	1,125 0
12	A. B. Seamen	4 0	48 0	100 0 × 12	1,200 0
11	Trimmers	3 10	38 10	87 10 × 11	962 10
55	men receiving		389 10	wages per calendar month.	9,737 10

SPECIAL INDEMNIFICATIONS.

I.

To the 16 men kept in irons, and cruelly and ignominiously tormented, as is set forth in their affidavit of March 1, 1867. (See page 57 of Part II of "Tornado" Correspondence, 1867; and Mr. Consul Graham Dunlop's Letter of October 17, 1866, page 28 of Part I, 1867), viz. :—	£
To W. M. Walker, tormented with exceptional barbarity	200
John Mc Gowan, ditto	200
Robert Napier	100
John Young	100
Robert Kinloch	100
David Wright	100
John Clark	100
John Wood	100
William Swanny	100
Hamilton Oliver	100
Daniel Mc Gonigle	100
Michael Hart	100
Thomas Robertson	100
John Nolan	100
Gerhard Wilke	100
Thomas Conolly	100
	1,800

II.

To the 5 men confined fifteen days in a close small berth, between decks, without change of raiment, and deprived of water for their ablutions, and without medical attendance, viz. :—	£
To W. H. Wyatt	80
C. O. Gilbert Porteous	80
W. C. Mc Pherson	80
John Mc Pherson	80
W. M. Walker	80
	400

III.

To the 2 unarmed and unresisting lads, cut and stabbed by the Spanish Marines, viz. :—	
To John Simpson. (See Mr. Consul Graham Dunlop's Letter of October 17, 1866)	80
John Gowans	80
	160

IV.

To the 8 men who were cut down in their hammocks, assaulted, and much bruised and injured, as is set forth in their affidavit of March 1, 1867, viz. :—

To Thomas Robertson	50	
Daniel Mc Gonigle	50	
Samuel Gillespie	50	
David Wright	50	
William Mc Kay	50	
James Smith	50	
Michael Hart	50	
Edmund Ryan	50	
	—	400
Total special indemnification	2,760	
RECAPITULATION.		
	£	s. d.
General indemnification	9,737	10 0
Special indemnification	2,760	0 0
Surplus	2	10 0
	12,500	0 0
Separate claim for money, clothes, and other property stolen and appropriated by the Spaniards, as is set forth in the crew's affidavit of March 6, 1867. (See page 56 of Part II of "Tornado" Correspondence, 1867)	1,093	7 2
Total amount claimed	13,593	7 2
(E. and O. E.)		

London, November 22, 1869.

(Signed) D. FORBES CAMPBELL,
Agent and Attorney for the Crew of the "Tornado."

No. 33.

Mr. Hammond to Mr. Forbes Campbell.

Sir,

Foreign Office, December 23, 1869.

I AM directed by the Earl of Clarendon to inform you that his Lordship has fully considered, in communication with the Law Advisers of the Crown, your letter of the 23rd ultimo, on the subject of claims of the crew of the "Tornado;" and I am now to state to you that you have misapprehended the purport of the letter which I was directed to address to you on the 16th of November, in supposing that the Spanish Government proposes to award any sum of money to the officers and crew of the "Tornado" as a compensation for their ill-usage and unjust imprisonment.

The sum of 1,500*l.* which the Spanish Government has proposed to pay over to Her Majesty's Government is intended by the Government of Spain as pecuniary assistance to the crew of the "Tornado" in view of their unfortunate position in consequence of their having engaged themselves in the service of that vessel, and it is not intended, thereby, in any way to relieve the parties who may have engaged the crew from the payment of any wages which may be due from them.

I am further to inform you that Her Majesty's Government must decline to renew the demand which Sir John Crampton was instructed to make on the 11th February, 1867, while the cause was still pending, and when Her Majesty's Government relied on your representations that there had been no infringement of the belligerent rights of Spain, which question must now be taken to have been decided by a competent Tribunal adversely to those representations.

I am now to request you to inform his Lordship whether, as representative of the crew of the "Tornado" you are authorized by them to decline the sum of money which the Spanish Government, in deference to the representations of Her Majesty's Government is prepared to place at its disposal for their assistance, as Her Majesty's Government cannot under any circumstances, make a further demand on the Spanish Government.

I am, &c.
(Signed) E. HAMMOND.

No. 34.

Mr. Forbes Campbell to the Earl of Clarendon.—(Received December 27.)

My Lord,

74, St. James's Street, London, December 24, 1869.

I HAVE the honour to acknowledge the receipt of the letter which Mr. Hammond, by your Lordship's directions, addressed me yesterday, and in which Mr. Hammond informs me "that Her Majesty's Government must decline to renew the demand which Sir John Crampton was instructed to make on the 11th of February, 1867, while the cause was still pending, and when Her Majesty's Government relied on your representations that there had been no infringement of the belligerent rights of Spain."

I beg leave, with the greatest respect, to observe, that your Lordship is under misapprehension in supposing that any representation of mine had anything whatsoever to do with the solemn protest and "demand which Sir John Crampton was instructed to make on the 11th of February, 1867."

The fact is that it was only on the 7th of April, 1867, that the officers and crew of the British steamer "Tornado," executed full powers of attorney authorizing me to prosecute their claims, and my first application to Her Majesty's Government on their behalf was made on the 15th of April, 1867 (see page 43 of Part VII of "Tornado" Correspondence, 1867). No representation, no communication whatever was made by me prior to the last-mentioned date. How then, my Lord, can it be pretended that Her Majesty's Government took so grave and decisive a step as that of the 11th of February, 1867, in reliance on my representations?

I shall without delay acquaint such of the officers and crew as are at home with the unwelcome and unexpected contents of Mr. Hammond's letter of yesterday's date, and I shall ascertain whether they are disposed to waive their "well-founded claims," and accept the paltry pecuniary assistance now offered them by the Government of Spain, or to stand on their indisputable rights, and reject with scorn the Spaniards' miserable dole.

I have, &c.

(Signed) D. FORBES CAMPBELL.

No. 35.

Mr. Forbes Campbell to the Earl of Clarendon.—(Received January 1, 1870.)

My Lord,

74, St. James's Street, London, December 31, 1869.

WITH reference to my letter of the 24th instant I have now the honour to inclose a letter which I have received to-day from Mr. Collier, the late master of the British steamer "Tornado," wherein he inquires upon what principle your Lordship proposes to distribute the 1,500*l.* offered by the Spanish Government, and what sum will be coming to him?

I shall feel obliged if your Lordship will enable me to furnish Mr. Collier, and the rest of the "Tornado's" crew with the desired information.

Awaiting which, I have, &c.

(Signed) D. FORBES CAMPBELL.

Inclosure in No. 35.

Captain Collier to Mr. Forbes Campbell.

Dear Mr. Campbell,

Jerusalem Coffee House, London, December 30, 1869.

I HAVE just received your letter informing me that Lord Clarendon refuses to stick to the claim which Lord Stanley made on the Spanish Government in behalf of myself and the crew of the "Tornado;" I am bitterly disappointed and astonished at such a determination on the part of his Lordship, as it is totally at variance with the protest and demand for indemnification manfully persisted in by Lord Stanley till the day he left office.

You tell me the 1,500*l.* offered by the Spanish Government is not to be considered as compensation to us for "ill-usage and unjust imprisonment," but in the light of "pecuniary assistance." This appears to me to be adding insult to injury. They first rob us, then deny the robbery; and, lastly, offer us by way of "charity" a sum about equal to the property stolen. Before I can answer the question you have put to me about accepting or rejecting this precious offer, I should like to know upon what principle

Lord Clarendon proposes to distribute the said 1,500*l.* Is the "pecuniary assistance" to be divided according to the amounts respectively lost by a portion of the crew, or among the entire ship's company according to their rate of wages? For you know some (three) of the crew escaped robbery; are these three men to receive nothing?

I was robbed of money and property to the value of 509*l.* 10*s.*, besides family papers, testimonials, and documents of great worth to me, and which can never be replaced. My wages from the 22nd of August (the date of the seizure of the "Tornado") until my return home, say eight months and a-half, at 50*l.* a-month, amount to 425*l.* My board and expenses while detained at Cadiz were heavy, but calculating sustenance money at 15*s.* a-day, which is considerably less than what is usually allowed the master of such a steamer of the "Tornado's" tonnage. Now put these articles together, say, property stolen, 509*l.* 10*s.*; wages, 425*l.*; board 191*l.* 5*s.*: and you will see that they foot-up 1,125*l.* 15*s.*, to say nothing of the serious loss I have sustained through inability to obtain fresh employment owing to my finding myself without chronometers, nautical instruments, charts, books, &c., of which I was plundered by the Spaniards.

Admiral Quesàda, the Port Admiral, admitted over and over again to Mr. Graham Dunlop and Messrs. McPherson and to myself that the "Gerona's" crew had stripped us of all our property, and assured us "whatever we had lost should be replaced."

What have I done, what have the "Tornado's" crew done, that the British Government all at once throws us over and abandons their claim to redress? We were never fairly tried in open Court; all the proceedings were declared by Lord Stanley to be absolutely null and void. His Lordship protested against them, and demanded our immediate liberation, and an indemnification for the ill-usage and unjust imprisonment which we underwent.

I wrote to our Foreign Office offering to attend any regular trial, and to be cross-examined respecting the losses, &c.; it is no fault of mine or of my shipmates that the fresh trial did not take place, and that the Spanish Government refused to "rehear the case before a Special Tribunal," as was insisted on by our Government so lately as June last.

Had we been sailing under the American or French flag, we should not have been thus cast adrift and left without redress, or offered such a contemptible sum as 1,500*l.* to be distributed among a crew of fifty-five hands.

I repeat I cannot answer your question as to accepting or rejecting the offer made through Lord Clarendon until you let me know what sum will be coming to me.

I remain, &c.

(Signed) EDWD. M. COLLIER,
Late Commander British steam-ship "Tornado."

No. 36.

Mr. Hammond to Mr. Forbes Campbell.

Sir,

Foreign Office, January 5, 1870.

I AM directed by the Earl of Clarendon to acknowledge the receipt of your letter of the 24th and 31st ultimo, with reference to the sum of money offered to Her Majesty's Government by that of Spain for distribution among the crew of the steam-ship "Tornado;" and I am to inform you that they are under consideration.

I am, &c.

(Signed) E. HAMMOND.

No. 37.

Mr. Forbes Campbell to the Earl of Clarendon.—(Received January 17.)

My Lord,

74, St. James's Street, London, January 15, 1870.

ON behalf of the crew of the British screw-steamer "Tornado," I beg leave to suggest that their claims upon the Government of Spain might be referred to the Emperor of the French, or to some other impartial umpire.

The Spanish Government would not, surely, decline so equitable a proposal if made to it by Her Majesty's Government.

I have, &c.

(Signed) D. FORBES CAMPBELL.

No. 38.

Mr. Hammond to Mr. Forbes Campbell.

Sir,

Foreign Office, January 28, 1870.

WITH reference to my letter of the 5th instant, I am directed by the Earl of Clarendon to inform you that his Lordship has had under his consideration, and has referred to the Law Officers of the Crown, your letter of the 24th ultimo, upon the subject of the claims of the crew of the "Tornado;" and I am to state to you that his Lordship considers that the sum of 1,500*l.* proposed by the Spanish Government to be paid over as pecuniary assistance to the crew of the "Tornado" should be distributed amongst the crew according to their wages, and that it is not intended by the Spanish Government that any portion of that pecuniary assistance should be distributed amongst the officers.

On reference to my letter of the 23rd ultimo, you will perceive that it was addressed to you as the representative of the crew of the "Tornado," and that you were requested in that character to state whether you are authorized on their behalf to accept or decline the sum of money proposed to be paid.

With regard to your statement that it was only on the 7th of April, 1867, that the officers and crew of the "Tornado" executed full powers of attorney authorizing you to prosecute their claims, and that your first application to Her Majesty's Government on behalf of the crew of the "Tornado" was made on the 15th of April, 1867, I am to point out to you that, as early as October 5, 1866, you, in company with Mr. Saul Isaac, one of the owners of the "Tornado," had, by previous arrangement, an interview with Lord Stanley; that at this interview a complaint was made to his Lordship of the ill-treatment of the crew; that Lord Stanley had been already informed by the owners of the "Tornado" of your intention to proceed to Madrid with Mr. Isaac on the "Tornado" business, and that you were actually provided by Lord Stanley with a letter of introduction to Her Majesty's Minister in Spain.

Lord Clarendon, however, is of opinion that this question is quite irrelevant to the matters really in question.

I am, &c.

(Signed) E. HAMMOND.

No. 39.

Mr. Hammond to Mr. Forbes Campbell.

Sir,

Foreign Office, January 29, 1870.

WITH regard to the proposal contained in your letter of the 15th instant, to submit the case of the crew of the "Tornado" to the arbitration of the Emperor of the French, or to some other impartial umpire, I am directed by the Earl of Clarendon to state to you that the Spanish Government, in awarding the sum of 1,500*l.* to the crew of the "Tornado," have distinctly declared that this sum shall completely put an end to any kind of reclamation based on the capture of that vessel. His Lordship, therefore, considers that it would be useless to propose to it to refer the matter to arbitration.

I am, &c.

(Signed) E. HAMMOND.

No. 40.

Mr. Forbes Campbell to the Earl of Clarendon.—(Received February 2.)

My Lord,

74, St. James's Street, London, February 1, 1870.

I HAVE the honour to acknowledge the receipt of two letters from Mr. Hammond, bearing date the 29th ultimo, the contents of which I shall make known to the officers and crew of the "Tornado."

At present, I beg leave most respectfully to point out to your Lordship, that Mr. Hammond stated, in his letter to me of the 16th November last, "that, in consequence of the representations which Her Majesty's Chargé d'Affaires at Madrid was instructed to make in behalf of the officers and crew of the 'Tornado,' the Spanish Government propose to award 1,500*l.* to the sufferers, to be distributed as Her Majesty's

Government may think proper ;" whereas, Mr. Hammond, in his letter to me of the 29th ultimo, states, that it is not intended by the Spanish Government that any portion of that pecuniary assistance should be distributed amongst the officers." From the former of Mr. Hammond's letters it is clear that the exclusion of the officers from any participation in the proposed distribution of "pecuniary assistance" was not a condition imposed by the Spanish Government, seeing Her Majesty's Government were left free to distribute the money as they might "think proper." The exclusion of the officers (upon which I forbear, for the present, from offering any comment) must, therefore, be regarded as an afterthought of Her Majesty's Government, the responsibility of which must rest upon them and not upon the Spanish Government.

With reference to my statement that "my first application to Her Majesty's Government, on behalf of the crew of the 'Tornado' was made on the 15th of April, 1867," I beg leave to say that, although I certainly was present at an interview which Mr. Saul Isaac had with Lord Stanley, on the 5th of October, 1866 (an interview which lasted about five minutes), I, on that occasion, made no "complaint" nor "representation" whatsoever to his Lordship, either respecting the seizure of the "Tornado" or the ill-treatment of her crew, for I was then unacquainted with the facts and merits of the case; that I never had any intention "to proceed to Madrid with Mr. Isaac, on the "Tornado" business," and that I never was "provided by Lord Stanley with a letter of recommendation to Her Majesty's Minister in Spain." No such letter was ever applied for by me, or delivered to me by Lord Stanley, or by the Foreign Department. Nor did I proceed to Madrid.

I am unable to comprehend how Lord Stanley came to inform Sir John Crampton, on the 18th of September, 1866 (see page 20 of Part I of "Tornado" correspondence 1867), that "Mr. Campbell" was about to proceed to Madrid, as I was upon the continent at that date, except on the supposition that "Mr. Campbell" was a *lapsus pennæ* for "Mr. Isaac, whom his Lordship had favoured with an interview on the preceding day.

At all events, the assertion in Mr. Hammond's letter of the 24th December, that Her Majesty's Government relied on my representations, was altogether unwarranted. It was, doubtless, on the representations of Mr. Consul Graham Dunlop and other official information, that your Lordship's predecessor relied when, "as in duty bound"—to use the words of Her Majesty's present Attorney-General—he instructed Sir John Crampton to "formally demand the immediate liberation of the master and crew of the 'Tornado,' and also that they should be duly indemnified for the injuries and losses incurred by them, in consequence of their said detention and imprisonment."

I have, &c.

(Signed) D. FORBES CAMPBELL.

No. 41.

Mr. Hammond to Mr. Forbes Campbell.

Sir,

Foreign Office, February 5, 1870.

WITH reference to your letter of the 1st instant, I am directed by the Earl of Clarendon to state to you that my letter of the 16th of November was founded on a telegram from Her Majesty's Chargé d'Affaires at Madrid, which merely communicated the fact that the Spanish Government proposed "to give 1,500*l.* compensation to the sufferers of the "Tornado" to be distributed as Her Majesty's Government may think proper."

On examining, however, the terms of the Spanish note, of which the telegram professed to give the substance, and which was received subsequently to the date of my letter of the 16th of November, it appeared that the expressions used in it defined the sum to be paid by the Spanish Government "as pecuniary assistance to the crew," without allusion to the officers ("auxilio pecuniario a los tripulantes"). But on referring, since the receipt of your letter of the 1st instant, to Mr. Ffrench's note, to which the Spanish communication is the reply, it appears that he spoke of "fifty-two persons who comprised the crew of the 'Tornado,'" without distinguishing between officers and men, that being the aggregate number of the sufferers stated in Captain Collier's affidavit of the 6th of March, 1867; and the Spanish Government will probably not object, on the matter being represented to them, to include the officers as well as the men in the common term crew ("tripulantes") among whom the 1,500*l.* is to be divided. Lord

Clarendon, on learning from you that the money will be accepted by the officers as well as by the crew, will endeavour to settle the matter accordingly.

As regards your observation that you are unable to comprehend how Lord Stanley came to inform Sir J. Crampton on the 18th of September, 1866, that you were about to proceed to Madrid, I am to refer you to page 21, Part I of "Tornado" correspondence, where you will find in a letter from Messrs. Isaac, Campbell, and Co. to Lord Stanley of the 29th of September, 1866, the following passage :—

"Our Mr. Saul Isaac, accompanied by Mr. D. Forbes Campbell, is about to proceed on our behalf to Madrid and Cadiz on this business. May we beg the favour of your Lordship's causing such letters of introduction to Sir J. Crampton and Mr. Graham Dunlop to be given them, as will insure them the official assistance of these gentlemen?"

In accordance with the wish thus expressed you will find on a further perusal of the printed papers that Lord Stanley directed Sir J. Crampton to render you and Mr. Saul Isaac such assistance as he could properly afford.

I am, &c.
(Signed) E. HAMMOND.

"TORNADO." No. 1 (1870).

Correspondence respecting the Seizure of the
"Tornado," off Madeira, by the Spanish Frigate
"Gerona."

(In continuation of Papers presented to Parliament
May 14, 1869.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1870.*

LONDON:

PRINTED BY HARRISON AND SONS.

COPY OF A DESPATCH

FROM

THE GOVERNOR OF TRINIDAD,

REPORTING UNFORTUNATE RESULTS OF

EMIGRATION TO VENEZUELA,

IN CONNECTION WITH THE

CHARTERED AMERICAN, ENGLISH, AND VENEZUELAN
TRADING AND COMMERCIAL COMPANY.

Presented to both Houses of Parliament by Command of Her Majesty,
May, 1870.



LONDON:

PRINTED BY WILLIAM CLOWES & SONS, STAMFORD STREET AND CHARING CROSS,
FOR HER MAJESTY'S STATIONERY OFFICE.

1870.

[C.—107.] *Price 1d.*

COPY OF A DESPATCH FROM THE GOVERNOR OF TRINIDAD,

REPORTING UNFORTUNATE RESULTS OF

EMIGRATION TO VENEZUELA,

IN CONNECTION WITH THE

CHARTERED AMERICAN, ENGLISH, AND VENEZUELAN TRADING AND
COMMERCIAL COMPANY.

TRINIDAD.

COPY of a DESPATCH from Governor the Hon. ARTHUR GORDON to
The EARL GRANVILLE, K.G.

TRINIDAD.

Trinidad, March 10, 1870.

Received March 28, 1870.

MY LORD,

SOME months ago in the course of a private letter which I received on other matters from the President of the Republic of Guayana, he mentioned that a small number of Englishmen had been sent out as Colonists by a Company having its offices in London, and styled the Chartered American, English, and Venezuelan Trading and Commercial Company; that these Emigrants had been sent out almost utterly destitute to an unhealthy locality on the Caura river, which though wholly unimproved, not a tree having been cut, or a swamp drained, or a hut built on it, had been sold by the Company to the Emigrants at the price of 4*l.* for ten acres; 4*l.* being the market price in Venezuela for *three square miles* of land!

2. President Dalla Costa informed me that he had provided these immigrants with three months' provisions, forwarded them to the settlement they had bought, and assisted them in other ways, and he begged me to aid him in taking steps to prevent any further immigration under similar auspices.

3. Some days ago two gentlemen, one of them (Mr. S. Barry) lately an officer in the 3rd King's Own Hussars came to me and informed me that they had been among the settlers, and had, with much difficulty, made their way from the Settlement to Ciudad Bolivar; a third, who was with them, having died on the way, and only by the kind assistance of the President had been forwarded to Trinidad along with another emigrant of the same party.

4. Their story was briefly this—That their party, under the leadership of Mr. Bond, lately Captain in H.M. 91st Highlanders, left Ciudad Bolivar in December for the Caura river; that a large part of the provisions provided by the President was stolen by the canoe-men during the voyage up the river; that on arriving at the "township" they found a dense uncleared tropical forest, liable, in many places, to be overflowed by the river during the wet season; that exposure to sun and damp had produced the natural results of dysentery and fever, and that the gentleman who had been charged by the President to assist them had left the settlement and did not return; that for some days before they left the settlers had had no food but beans and rice, and that, with no means of, as yet, replenishing their rapidly diminishing store of provisions, starvation stared them in the face.

5. The offices of the Company, the representations of whose agents had induced these gentlemen to embark in this enterprise, are at No. 3, The Crescent, America Square, London, E.C., and two books have been published by its authority, entitled respectively * 'Emigration to Venezuelan Guayana,' and 'The Emigrants' Vade-Mecum, or Guide to the "Price Grant" in Venezuelan Guayana.†

* Published by Howard & Jones, 18, Cullum Street, London.
† Published by Messrs. Trübner & Co., 60, Paternoster Row, London, E.C.

TRINIDAD.

6. From the former of these works, page 14, we learn the prices at which the Company sold, *in London*, tracts of wild land in Venezuela.

					£.	s.
160	acres	-	-	-	25	0
100	"	-	-	-	17	10
50	"	-	-	-	12	10
25	"	-	-	-	8	0
10	"	-	-	-	4	0

The whole of the land sold by the Company is uncleared primeval forest. I have already mentioned that the price placed on such land by the Government of Guayana is a little over 1*l.* per square mile.

7. It is also stated (p. 14) that the Company has an agent in this island, which is not the case.

8. On the following page we are informed that "the Company has made arrangements with the following eminent manufacturers of agricultural implements, &c., to supply emigrants with every description at wholesale prices, *viz.* :—

"Cottam and Cottam, St. Pancras Iron Works, Old St. Pancras Road, London; "Ransomes and Sims, Ipswich; J. and J. Howard, Bedford;" and others.

No tools of any kind were, however, supplied.

10. The agents in England of the Company are stated to be (p. 16) Messrs. J. F. Pattison and Co., 3, The Crescent, America Square, E.C., London; Mr. Joseph F. Carter, Kimbolton, Huntingdonshire; and Mr. George H. Robinson, 35, Regent Street, Leamington, Warwickshire.

11. From the other book (pp. 31, 32, 33), we learn that Mrs. Pattison, the wife of the gentleman just referred to, has been very active in soliciting subscriptions and donations for a "Free Library" for her settlement on the "Caroni Venezuela." Among the subscribers are :—

The Society for Promoting Christian Knowledge, a grant of books and tracts and books for the Sunday School children; a few Common Prayer Books in Spanish for the use of 100,000 emigrants from the Southern States of America, now settling at Caroni.

The Lord Bishop of Barbados, a case of books.

The Rev. Canon Dale, of St. Paul's.

The Rev. William Langton Coxhead, M.A., Vicar of Kirby-le-Soken, Essex, books and magazines.

The Rev. Arthur and Mrs. Isham, Rectory, West Turville, a valuable gift of books.

The Rev. J. H. A. and Mrs. Walsh and Miss Walsh, The Rectory, Bishop Strow, Wilts, books and magazines, &c.

Mrs. Liscombe Clarke, widow of the late Archdeacon L. Clarke, of Salisbury Cathedral, many donations of books, a Church Service, an altar-piece, and 10*l.* for scientific works; also 10*l.* towards a *harmonium* for St. Paul's Church at Caroni.

Mrs. Gilbert Heathcote, of the College, Winchester, bibles and books.

Mrs. James Bonar, of Rosye Lodge, Upper Norwood, a valuable selection from a family library, and 1*l.* 10*s.* for special purposes.

Miss Lynd, of 6, Birtie Terrace, Leamington, two donations of books, and music in French, Italian, and German.

Mrs. O'Hallorand, of Courtney Villas, Leamington, books and music in French and German.

Mrs. George Gulliver, Bridgecroft House, near Edenbridge, Kent, a valuable collection of books, music, and magazines.

Mrs. C. H. Pitts, Earsham, near Bungay, Suffolk, the military library of her late husband, Lieut.-Colonel Pitts, R.E., books in five languages.

George Haseltine, Esq., Patent Solicitor, 8, Southampton Buildings, many useful books for the library at Caroni.

Mr. G. W. King, of Portland Road, scientific works and chronometer, also an additional gift of books.

J. T. Daun, Esq., C.E., three donations of books and charts, many on civil engineering.

Henry Bickers, Esq., a valuable gift of books, well selected.

12. I mention these names to show the position of those who have responded to Mrs. Pattison's appeal, and the nature of the gifts made, but nearly a hundred other donors, many of them clergymen, are thanked in pages 32, 33, and 34, for donations of a similar description.

13. Mr. and Mrs. Pattison, having omitted to supply the emigrants with tools,

medicines, or other necessities, I need hardly add that the "Free Library" has not reached its intended destination. TRINIDAD.

14. I enclose a paper of queries addressed by me to Mr. Barry, together with his replies, which are also signed by his two companions.

15. I enclose also a copy of one of the land-warrants for which 25*l.* was paid, and of a permit sold by Mrs. Pattison as a pass to enable the luggage and effects of the immigrants to pass the Venezuelan Custom House free of duty. It was not found, however, to possess any such efficacy.

16. The Company really did receive a large grant of lands in Venezuela; but I understand the grant is now forfeited, owing to the non-fulfilment of its conditions by the Company.

17. President Dalla Costa will, I am certain, do all in his power to alleviate the distresses of the unfortunate settlers who have already arrived, but as it is very probable that the sale of these lands continues, and will continue so long as purchasers can be found, and as it is desirable that persons in England should not be induced to take so serious a step as that of emigrating to the Orinoco in consequence of anticipations, not, I fear, likely to be realized, I should be much obliged if your Lordship would give such publicity to this Despatch and its enclosures as your Lordship may deem proper.

I have, &c.,

(Signed) ARTHUR GORDON.

The Earl Granville, K.G.

&c. &c. &c.

Enclosures.

1. *What was the number of persons at the settlement when you left?*

About sixty-five.

2. *Of what nationalities, sex, and age?*

Principally British with a few Americans, of both sexes, nearly half and half, and all ages, from the infant in arms to the grey-headed old man.

3. *Of what ranks of life originally?*

Chiefly the "middle" and "working" classes, but some of good families, including Captain Bond (91st Highlanders), wife and child; Mr. Marshall, Mr. Barry (late 3rd K. O. Hussars).

4. *Had all come out at the same time?*

No, not *all*; but the *majority* of them came out in the 'Tai Lee,' which left Hamburg (North Germany), October 6th, and arrived at Ciudad Bolivar, November 27th, 1869, but *all* came out under the auspices of the same Company.

5. *When was the first settlement made?*

Towards the close of December, 1869.

6. *Are any more settlers expected?*

It is very probable that some more will arrive, as Mrs. Pattison will no doubt continue to sell her land-warrants as long as she possibly can.

7. *What had been the number of deaths up to your departure?*

Two at the settlement and two others elsewhere.

8. *How were the immigrants housed?*

By order of Señor Pérez a *small* palm-shed, about 20 × 10 was erected for the use of the immigrants, half of which was occupied by *two* families, and the other half by the provisions; the others had to protect themselves from the heavy rains as best they could, as they had to work eight hours a day clearing the land for the "township," and had consequently little or no time to do anything privately for themselves: a few had built huts of palm-thatch and reeds.

9. *How fed?*

Supplied with three months' provisions by Señor Dalla Costa, the greater part of which was stolen by the boatmen going up. Señor Pérez took little or no notice of the case on its being represented to him. For days before we left, the supply of meat (hard "jerked beef") had run out, and we had to content ourselves on a scanty supply of rice and country-beans, and even this, when we started, could not last them longer than a week at the utmost.

10. *Were there any medicines? If any, what, and by whom supplied?*

There were a few medicines (as fever-powders, bi-carbonate of soda, rhubarb, and a little mustard for making blisters), kindly provided by the President, but the supply in *quantity* and *variety* was inadequate to the occasion.

TRINIDAD.

11. *Any tools supplied?*

None whatever, notwithstanding all Mrs. P.'s fair promises to this effect.

12. *Why was the Caura, not the Caroni, selected, and by whom?*

The Caura was selected by Mrs. Pattison, and she offered the following as her reasons for doing so:—

(a) The existence of *falls* in the Caroni.

(b) The Caroni was *down stream* from Ciudad Bolivar and not *above* that city, thus rendering the task of conveying produce, &c., to the Bolivar market more onerous.

(c) Mrs. Pattison said that a settlement had already been made by some Americans near the mouth of the Caroni.

13. *How much of the price of the land coupons has been paid generally by immigrants?*

I am unable to say; I believe the majority of those who formed what she termed her "Society" only paid an advance of 1*l.* on account; but those who purchased more than 10 acres, to the best of my knowledge, paid for their land coupons *in full* at the time of purchase.

14. *Did these coupons assign particular localities to the holders?*

Those who purchased 10 acres were, according to agreement, to reside within a township, to be called "Pattisonville," the site for which was to be selected by Mrs. Pattison herself. Those who bought a greater amount of land were at liberty to select, to the extent of their purchase, from any of the vacant lands within the "Price Grant."

15. *Was the permit to pass luggage, duty free, respected?*

Not in the least; it being solely due to the President's kindness that our luggage was passed duty free. These "luggage passes" were *sold* by Mrs. Pattison, and represented to be absolutely necessary on landing at Bolivar.

* * * * *

17. *Agricultural implements, p. 15; were any asked for or supplied?*

Mrs. Pattison promised to bring out some agricultural implements for the use of the Colonists going with her; but as she did not accompany the expedition as expected, these implements were not supplied.

(Signed) JAMES WILLIAM BARRY,
late 3rd K. O. Hussars.
JOHN LOWE.
GEORGE WEBB HALL.

No. 0057.

SERIES B.

Land Warrant.

One hundred and sixty acres.

O F F I C E

OF THE

CHARTERED AMERICAN, ENGLISH, AND VENEZUELAN

ARMS OF

ENGLAND.

UNITED STATES
OF AMERICA.REPUBLIC OF
VENEZUELA.

TRADING AND COMMERCIAL COMPANY, LIMITED.

LONDON, ENGLAND.

August 11th, 1869.

This is to Certify, that the bearer, **GEORGE WEBB HALL**, of Sutton, Surrey, England, is entitled to One hundred and sixty acres of land, value Twenty-five pounds sterling, in the Territory or State of Guayana, Republic of Venezuela, South America, unentered and unappropriated, upon filing this Warrant at the office of "The Chartered "American, English, and Venezuelan Trading and Commercial Company" at Ciudad Bolivar, Guayana, Venezuela, in accordance with the grant made to Dr. Henry M. Price, his associates and assigns, ratified at the City of Caracas, Venezuela, June 26th, 1866.

J. LESLIE CLARK, *Secretary.***JAS. FRED. PATTISON**, *President,*
3, The Crescent, America Square, E.C.*Office fees and surveying to be paid by the holder.*

MR. J. WM. BARRY, an emigrant to the Price Grant, under the American, English, and Venezuelan Trading and Commercial Company, 3, The Crescent, America Square, E.C., London.

Baggage and freight for the use of the said emigrant, duty free.

LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET AND CHARING CROSS,
FOR HER MAJESTY'S STATIONERY OFFICE.

877

EXTRACT FROM A DESPATCH

FROM

THE GOVERNOR OF TRINIDAD,

WITH REFERENCE TO

EMIGRATION TO VENEZUELA,

IN CONNECTION WITH THE

CHARTERED AMERICAN, ENGLISH, AND VENEZUELAN TRADING AND COMMERCIAL COMPANY.

(In continuation of Papers presented to both Houses, May, 1870.)

Presented to both Houses of Parliament by Command of Her Majesty.
June, 1870.



LONDON:

PRINTED BY WILLIAM CLOWES & SONS, STAMFORD STREET AND CHARING CROSS,
FOR HER MAJESTY'S STATIONERY OFFICE.

1870.

[C.—155.] Price $\frac{1}{2}$ d.

EXTRACT FROM A DESPATCH FROM THE GOVERNOR OF TRINIDAD.

WITH REFERENCE TO

EMIGRATION TO VENEZUELA,

IN CONNECTION WITH THE

CHARTERED AMERICAN, ENGLISH, AND VENEZUELAN TRADING AND
COMMERCIAL COMPANY.

TRINIDAD.

EXTRACT from a DESPATCH from Governor the Hon. ARTHUR GORDON, C.M.G., to
The EARL GRANVILLE, K.G., dated Trinidad, 24th May, 1870. No. 77.

TRINID

Since I last addressed your Lordship on this subject, President Dalla Costa has removed the whole of the survivors, with the exception of Captain Bond and Mr. Macgregor, who have resolved to remain upon their grants. The rest have been brought down in boats to Ciudad Bolivar, where a public subscription, already reaching a considerable sum, has been made for their support, without taking into account what has been done for them at the private expense of the President.

Thirty-one of the Emigrants died previously to their removal from the Caura.

LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET AND CHANCERY CROSS,
FOR HER MAJESTY'S STATIONERY OFFICE.

THE NATIONAL ARCHIVES

RECORDS SECTION

GENERAL INVESTIGATIVE DIVISION

MEMORANDUM

TO : SAC, NEW YORK
FROM : SAC, BOSTON
SUBJECT: [Illegible]

